



# Keeping arts safe

**protection of children, young people and  
vulnerable adults involved in arts activities**

April 2003

Written in collaboration with the NSPCC

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## **1 Arts Council England policy statement**

Arts Council England aims to be a national force for the arts which will deliver more funding and increased profile to artists and arts organisations, benefiting audiences everywhere. Education and learning will play a key role in the new organisation.

As the key development organisation for the arts in England, 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
- staff (paid and unpaid) should be clear on how to respond appropriately

The Arts Council England will take every reasonable step to ensure that children, young people and vulnerable adults are protected where:

- our own staff are directly involved in the delivery of an arts project
- our staff recruit or broker relationships between an artist or arts facilitator and a third party
- we fund an arts organisation for a programme of work, or for core work
- we seek to promote a positive ethos of collaborative work between the professional arts sector and children, young people and/or vulnerable adults

If a complaint or criminal proceeding occurs between an artist or arts facilitator and a third party, as a result of the Arts Council's direct or indirect involvement, the Arts Council will treat the situation with the utmost urgency.

## **2 Glossary of terms**

### **Area Child Protection Committees**

Area Child Protection Committees (ACPCs) work on a local basis. They bring together representatives of the main agencies which protect children from abuse and neglect. They work out how the different services should co-operate. When arts organisations are working out their own protection procedures, they should contact their local ACPC (see section 13: Contact details).

### **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. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a spent conviction.

There are some exceptions: 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.

### **Countersignatory**

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.

### **Criminal Records Bureau**

An agency of the Home Office which, through its Disclosure service, helps organisations recruit more safely.

**Disclosure (official)**

A Disclosure is a document containing information held by the police and government departments. It can be used by employers and voluntary organisations to make safer recruitment decisions about people working with children, young people or vulnerable adults.

**The Disclosure service**

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.

**Disclosure – of alleged abuse**

In the context of child protection 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**

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. Schools must make sure that no-one who is on List 99 has regular contact with children.

**National Care Standards Commission**

Is a new, 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. (Further information is included in sections 11 and 12).

### ***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, the Theatre Marketing Association has become an umbrella registered body.

### **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**

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

### **Spent convictions**

See Convictions, spent

### **Umbrella registered bodies**

See Registered bodies

### **Unspent convictions**

See Convictions, unspent

### **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'. 'Child' is a legal term, defined in section 12: Common Questions – some useful definitions.

### **3 Aim of this document**

#### **Trust, abuse and disclosure**

Through arts activities, organisations, companies and artists have the capacity to engage with people of all ages and abilities. This puts the arts sector into a position of trust and caretaking which, unfortunately, can be abused. Trust can lead to situations where children, young people or vulnerable adults 'disclose' abuse that they have been subjected to.

There is much about 'disclosure' in this document, and also about 'Disclosure'. By disclosure, we mean children, young people or adults 'disclosing' to someone that they believe they have been abused. However Disclosure is the term used by the authorities about the safety checks carried out on people whose work places them in a position of trust with children, young people and adults. (See Section 12: Common Questions – recruiting safely, for more about Disclosure.)

It is the arts sector's duty to act responsibly and this includes ensuring that policy and procedures promote safe working practices and a clear understanding of what to do if abuse is suspected or disclosed.

In addition, project organisers have a responsibility to ensure that artists or project facilitators working with children, young people or vulnerable adults are not placed in situations where abuse might be alleged. For instance, artists should not find themselves in school/educational settings where there is unsafe equipment or materials, inadequate school staff support, or work for which they do not have enough training or experience. There may be some situations involving severely disabled children, young people or vulnerable adults where artists/project organisers may not be equipped to effectively or safely work. Project planning must ensure that the skills of the artist match the needs of the situation.

No single organisation, including Arts Council England, can guarantee the protection of children, young people or vulnerable adults. However, every organisation must make a commitment to the protection of children, young people and vulnerable adults.

Organisations and individuals need to examine their practice in relation to children, young people and vulnerable adults and make sure that appropriate policy and procedures are in place to both meet the requirements of the law and to deliver best practice in arts activities.

There are many issues common to working with children/young people and working with vulnerable adults. There are some issues which are specific to either children/young people or vulnerable adults. At present, both 'groups' are addressed in this document. This may change as policy and procedures, as well as legislation/systems concerning vulnerable adults are refined and developed.

Resources or organisations referred to in this document are listed in sections 13 and 14.

### **Aims and limitations of this document**

This document aims to work toward the protection of children, young people and vulnerable adults who are involved in arts activities. It has been compiled to support organisations and individuals by raising awareness of issues and developments. It is not a comprehensive manual to protecting children, young people or vulnerable adults.

**It is the responsibility of organisations and individuals to review and update their policies and procedures in light of developments in their own practice and in legislation relating to protection issues.**

### **Some features of organisations at risk of potential abuse of children**

The NSPCC note the following characteristics as being common in organisations where abuse is more likely to exist. These will provide a useful first step in considering the work of your organisation.

- Minimal supervision of children
- Inadequate guidelines or procedures for dealing with concerns about children
- Lack of specialist skills or knowledge about child protection
- Minimal staff support
- Children left to their own devices
- Discouragement of parental involvement (eg as observers or as accompanying adults)
- Lack of resources
- Gaps between policy and practice
- Poor co-ordination and lack of consistency in supervision

## **4 Context**

### **Recent legislation**

The Police Act 1997 makes it a criminal offence for an employer not to check an employee working with children or vulnerable adults and/or to knowingly give a job to someone who is inappropriate to work with children or vulnerable adults.

The Protection of Children Act 1999 was the Government's first step towards establishing a coherent framework for identifying those adults considered to be unsuitable to work with children. The Act requires childcare organisations to make use of the Disclosures Service in their recruitment and reporting processes (and strongly urges other organisations involved with children and young adults to do so). The Protection of Children Act 1999 was superseded by the Criminal Justice and Court Services Act 2000 which is specifically about Disclosures and child protection issues.

The Secretary of State for Education and Skills was due to keep a list of individuals unsuitable to work with vulnerable adults from April 2002 but this has been delayed.

### **Growing awareness prompts new policies**

Since 2002 there have been significant developments and incidents that bring protection issues to the forefront. These include:

- the introduction of the Criminal Records Bureau Disclosures Service in April 2002
- the establishment of the National Care Standards Commission to regulate 'social care', which includes any activity with children under the age of eight that lasts for longer than two hours and happens on more than five occasions in a year
- high-profile cases of children and young people murdered or abused by adults known to them
- the Department for Education and Skills requirement of increased vigilance regarding recruitment of staff and admittance of visitors to schools.
- growing public awareness of how the internet can be exploited for the purposes of child sexual abuse

### **A challenge for arts organisations**

The legislation for protection of children, young people and vulnerable adults is proving difficult for the arts sector because it was not designed with arts

organisations and arts activities in mind. For instance,

- the systems for Disclosure are largely aimed at adults working in full-time employment and not at those working on short contracts in many different settings
- LEAs and individual schools are interpreting DfES requirements differently
- youth clubs, statutory sector and the voluntary sector have different levels of awareness about and interpretations of the legislation
- the Disclosure service has experienced severe delays.
- Disclosure checks must be processed through organisations registered with the Criminal Records Bureau and at present there is not a developed infrastructure in the arts sector to do this

DfES guidance also applies to those working with 'vulnerable adults'. The legislation about this, however, is less developed and more open to interpretation.

## **5 Obligations of organisations receiving Arts Council England funding**

From 2003/04 Arts Council England funding agreements will include the following conditions:

You are responsible for being fully aware of issues about protection of children, and vulnerable adults. (See section 12: Common questions and section 2: Glossary, for an explanation of 'vulnerable adults'.) You should consider any possible risks involved in the funded activities and take appropriate action to protect everyone involved.

If you are an organisation, you must adopt and carry out a written policy and set of procedures to protect children and vulnerable adults.

The legal definition of a child is anyone up to the age of 18 (extensions exist for children who are disabled and for those in local authority care settings). However, throughout this document, we refer to children, *young people* and vulnerable adults, because 'children' in the upper age ranges and people who work in the youth sector usually prefer that term. 'Vulnerable adults' are defined in section 2: Glossary.

The Arts Council will have the right to review a funded organisation's or project's protection policy and procedures at any time, upon request.

Organisations funded by Arts Council England which have existing funding agreements will receive a letter informing them that their next funding agreement will include the conditions outlined above. They will be directed to this document and other resources to help them prepare their policy and procedures.

## **6 Writing policies and procedures for protection of children, young people and vulnerable adults**

If you are working with or providing services for children, young people or vulnerable adults you should have a written protection policy and set of procedures in place and all your staff should be fully aware of them, understand their responsibilities and be 'signed up' to the policy and procedures.

### **Getting started**

The following questions may help you focus on your policy:

- how is it that you are involved with children, young people and/or vulnerable adults?
- why does your organisation feel it is important to ensure that children, young people and/or vulnerable adults involved with you are safe?
- what is your understanding of terms such as 'children', 'young people' and 'vulnerable adults' and how do you ensure that all relevant staff have the same understanding? (Consider the definitions in section 2: Glossary and section 12: Common Questions.)
- what is 'abuse'? Where and how might abuse take place in the work carried out by your organisation?
- what measures will you put in place or do you already have in place to protect children, young people and/or vulnerable adults?
- how will you support your paid staff/volunteers in their understanding and awareness of the importance of safeguarding children, young people and vulnerable adults?
- how will you apply your policy for protection of children, young people and/or vulnerable adults and how does the policy 'fit' with other corporate policies you have? (These might include recruitment, induction, training, whistle-blowing, disciplinary as well as others.)

Your policy does not need to be more than two sides of A4 but it should provide the foundation for:

- an understanding across your organisation of your role in protection of children, young people and vulnerable adults
- practical objectives for ensuring the protection of children, young people and vulnerable adults
- reasons why you need to work out procedures, including for
  - project planning and implementation
  - staff recruitment and training
  - responding to allegations of abuse

- who takes lead responsibility within your organisation for protection of children, young people and vulnerable adults
- acquiring basic information on current legislation and issues
- accessing further information and advice

The NSPCC **firstcheck** document is a comprehensive resource which is helpful in gaining an understanding around issues of child protection and in developing a policy and set of procedures. In addition to this document NSPCC produce **stopcheck**. This is an explanatory booklet to help small groups or organisations that are required to develop child protection policies or procedures. It explains simply what is meant by safeguarding of children, young people and vulnerable adults and is intended to help small voluntary groups who:

- are required to develop a child protection policy as a condition for funding, charitable status, insurance or other purposes
- have experienced an incident of child abuse and want to know what to do in the future
- simply want to take the initiative in making their organisation as safe as possible for children, young people and vulnerable adults

(Refer to section 14 for information on obtaining either document.)

Also, the Child Protection in Sport Unit website has a sample policy – go to [www.sportprotects.org.uk](http://www.sportprotects.org.uk) and search for child protection policy.

### **The right procedures for you**

Procedures set out how you put your policy into practice. They will be particular to how your organisation engages with children, young people and/or vulnerable adults. Your written procedures should include:

- recruitment practices
- training provision
- project planning
- risk assessment and risk management
- project implementation
- what to do if there is a problem

Your policy and procedures should be dated and should be reviewed and updated regularly.

## 7 Good practice

Good practice in **planning a project** for work involving children, young people and vulnerable adults means:

- undertaking at the outset of project planning, a risk assessment, and monitoring risk throughout the project
- identifying at the outset, the people with designated protection responsibility
- engaging in effective recruitment, including appropriate vetting of staff and volunteers
- knowing how to get in touch with local authority social services, in case you have to report a concern to them

Good practice in a **physical environment** where there is contact with children, young people and vulnerable adults means:

- always ensuring that someone from the school/educational establishment, youth organisation or care setting is present and therefore meeting their responsibility for ensuring the safety of those in the setting
- monitoring risks throughout the project

Good practice in **physical contact** means:

- maintaining a safe and appropriate distance from participants
- only touching participants when it is absolutely necessary in relation to the particular arts activity
- seeking agreement of participants prior to any physical contact
- making sure disabled participants are informed of and comfortable with any necessary physical contact

Good practice in **interpersonal dealings** means:

- treating all children/young people/vulnerable adults equally, and with respect and dignity
- always putting the welfare of each participant first, before achieving goals
- building balanced relationships based on mutual trust which empowers children/young people/vulnerable adults to share in the decision-making process
- giving enthusiastic and constructive feedback rather than negative criticism
- making the arts fun, enjoyable and promoting equality
- being an excellent role model for dealings with other people
- recognising that children or young people with disabilities may be even more vulnerable to abuse than other children or young people

Good practice in **managing sensitive information** means:

- having a policy and set of procedures for taking, using and storing photographs or images of children, young people or vulnerable adults
- careful monitoring and use of web-based materials and activities
- agreed procedures for reporting any suspicions or allegations of abuse
- ensuring confidentiality in order to protect the rights of employees, freelancers and volunteers, including safe handling, storage and disposal of any information provided on artists or arts facilitators (or others involved in arts projects) as part of the recruitment process. (Data Protection Act 1998)

Good practice in **professional development** means:

- keeping up-to-date with health and safety in artistic practice
- being informed about legislation and policies for protection of children, young people and vulnerable adults
- undertaking relevant development and training

## **8 Risk assessment and risk management**

Risk assessment should be a part of planning any project and should take into account all aspects of the project, but particularly any risks relating to protection of children, young people or vulnerable adults. Risk management should be an on-going part of every project.

### **Risk assessment**

The principle of risk assessment is to consider the:

- practical detail of a project
- things that can go wrong in the project
- likelihood of these things going wrong
- impact of these things going wrong

Once this is done:

- you can identify measures to reduce the risk
- you can decide what to do if things do go wrong
- you can allocate roles to monitor and manage child protection

Make sure you set aside enough time to undertake risk assessment and risk management. To ensure that all risks are considered involve as wide a range of project stakeholders as possible in risk assessment.

Risk assessment and risk management should be done for every project you engage in. When you have done it once you will be able to adapt the exercise for future projects.

### Risk management models

The matrix and table below may help you carry out a risk assessment and risk management.

#### ***Risk management plan – template 1***

Risk management plan for ( ..... project)

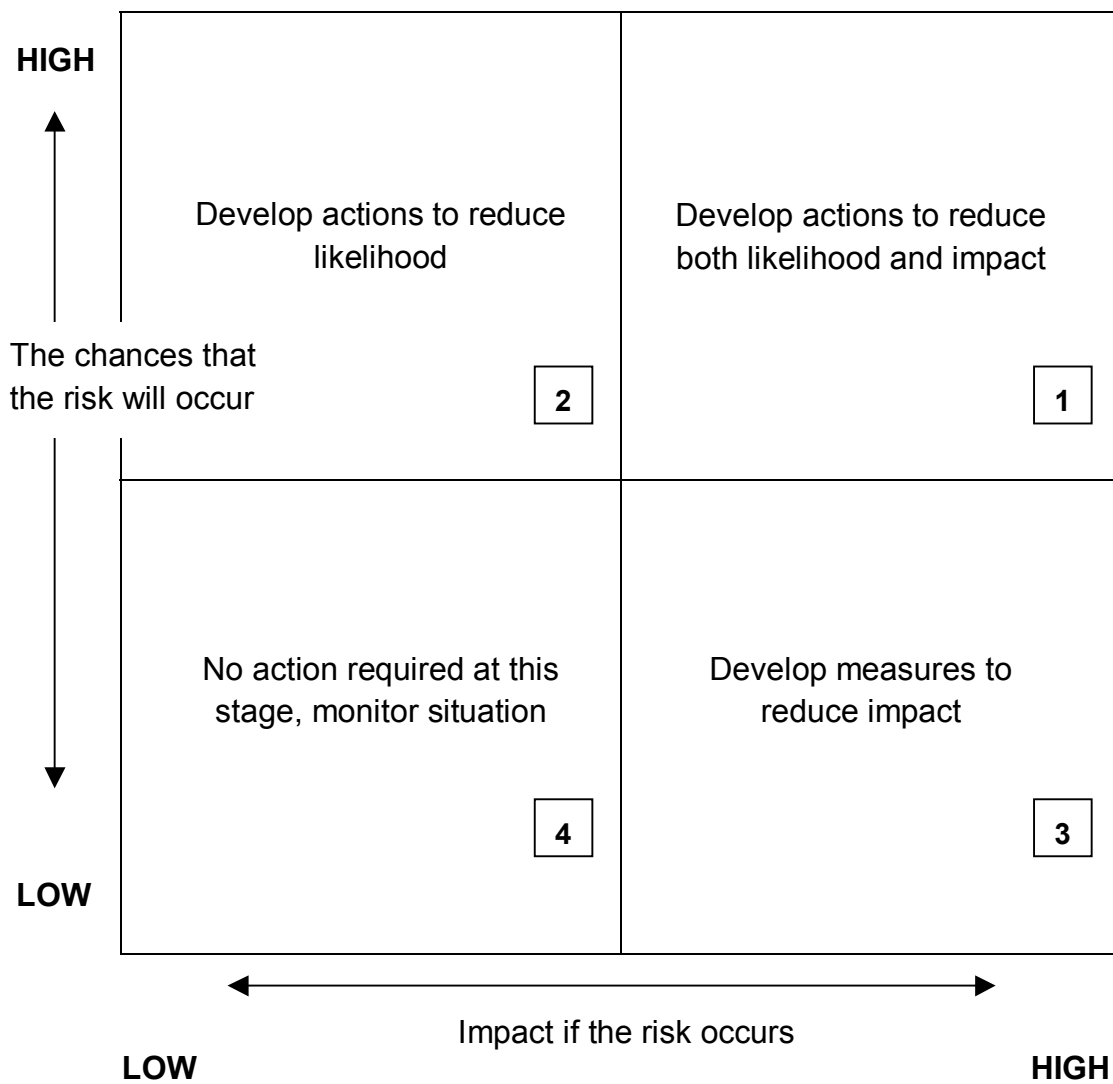
Project name:

Project leader:

Date produced:

Participants:

Step 1 – Prioritise risks



**Risk management plan – template 2**

Project name:

Project leader:

Date produced:

Participants:

Step 2 – Define actions to be taken

	<b>Risks</b>	Probability H/L	Impact H/L	Actions to reduce probability and/or impact	<b>Due date</b>	<b>Owner</b>
1				• • •	• • •	• • •
2				• • •	• • •	• • •
3				• • •	• • •	• • •
4				• • •	• • •	• • •

## **9 Responding to possible abuse and to disclosure**

As an artist or arts organisation working directly with children, young people or vulnerable adults, you should always have a contact person with legal responsibility for the child, young person or vulnerable adult. You should never assume sole responsibility for a child, young person or vulnerable person.

### **Suspicious**

If you see or suspect abuse of a child, young person or vulnerable adult you should make the person with legal responsibility for the child, young person or vulnerable person (eg the teacher, youth or careworker) aware of the problem.

If you suspect that the person with legal responsibility ie the teacher, youth or careworker is actually the source of the problem, you should make your concerns known to another member of staff employed at the site.

Make a note for your own records of what you witnessed as well as your response, and make your line manager (or other relevant person, such as the project organiser) aware of the situation, in case there is follow-up in which you are involved.

### **Accidents and injuries**

If a child, young person or vulnerable adult is injured – while at your organisation or while involved in a project you have organised – you must make a record of the injury in the accident book. This record must be counter-signed by the person with responsibility for the individual. The accident book should to be kept for 21 years.

If a child, young person or vulnerable adult arrives at your organisation's venue or project with an obvious physical injury you need to make a record of this in your accident book. This record should be counter-signed by the person with responsibility for the individual. This record can be useful if a formal allegation is made later. It will also be a record that the individual did not sustain the injury whilst at your venue or on your project. The accident book should be kept for 21 years.

### **If someone discloses to you**

It is possible that a child, young person or vulnerable adult who is or has suffered abuse will confide in you. This is something you should be prepared for and must handle carefully. The following action should be taken if there are concerns of abuse of a child, young person or vulnerable adult:

- 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 vulnerable person what you are going to do next
- speak immediately to the person in the school/educational setting, youth or care setting who has designated responsibility for protection of children, young people or vulnerable adults. (This is likely to be the head teacher for a school or the director of the youth or care setting.) It is that person's responsibility to liaise with 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.
- in confidence, make your line manager or other appropriate colleague (for instance the project organiser) aware of the situation

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.

Templates for recording allegations or suspicions can be found in the NSPCC document *firstcheck*.

### **Rights and confidentiality**

If a complaint or allegation is made against a member of staff he or she should be made aware of his or her rights under both employment law and internal disciplinary procedures. This is the responsibility of the officer responsible for personnel in the organisation.

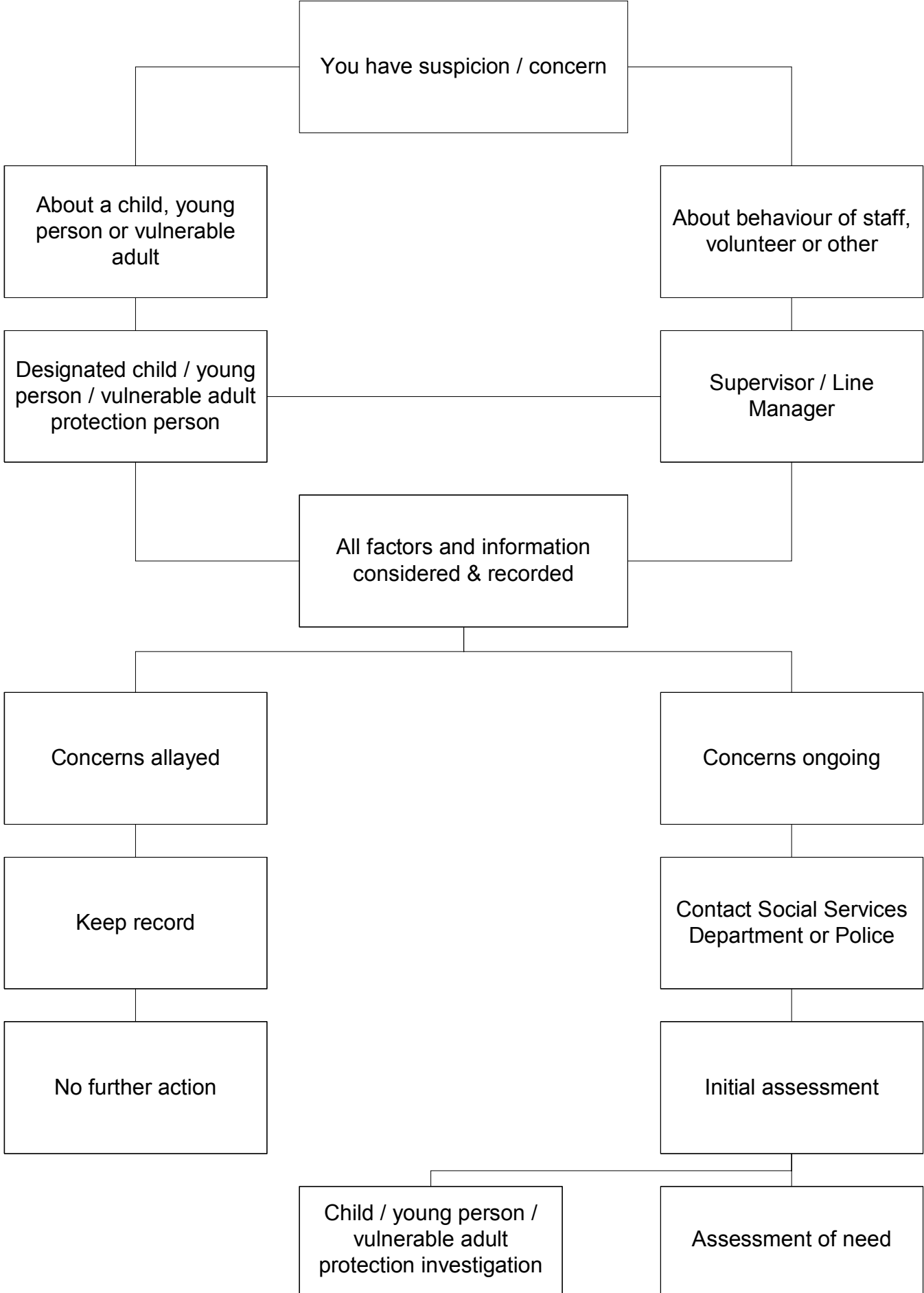
No matter how you feel about the accusation, both the alleged abuser and the person who is thought to have been abused have the right to confidentiality under the Data Protection Act 1998. Remember also that any possible criminal

investigation could be compromised through inappropriate information being released.

In criminal law the Crown or other prosecuting authority has to prove guilt and the defendant is presumed innocent until proven guilty.

The flowchart on the following page may be helpful. This is an adapted version of a flowchart in the NSPCC document, ***firstcheck***.

# Reporting Protection of children / young people / vulnerable adults



## **10 Reviewing policies and procedures**

The NSPCC document, *firstcheck: a step by step guide for organisations to safeguard children*, provides six 'Checkpoints'. These can help you devise and later review your organisation's policy and procedures for the protection of children, young people and vulnerable adults. Based on the work of George Varnarva with the Forum on Children and Violence, they are reproduced at the end of this document – see the Appendix – with permission of the NSPCC and with amendments to include vulnerable adults.

You can use the Checkpoints that are relevant to your organisation and the work you are engaged in.

The 'Checkpoints' are:

- philosophy and principles
- child protection policies and procedures
- conduct and good practice
- staff and volunteers
- partnerships and public relations
- community and environment

## **11 Criminal Records Bureau and the Disclosure service**

In April 2002 the Criminal Records Bureau was set up to replace the old system of police checks and to carry out a 'one stop service' called Disclosures (see [www.disclosure.gov.uk](http://www.disclosure.gov.uk)). A Disclosure is a document containing information held by the police and government departments.

The Disclosures Service will eventually carry out three levels of checks: Basic, Standard and Enhanced. For the foreseeable future, only the Standard and Enhanced Disclosures are available.

### **Standard Disclosure**

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). (See section 2: Glossary for more on these terms.) The turn-around time should be two weeks but can take longer, depending on the bureau's workload at the time.

### **Enhanced Disclosure**

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. Enhanced Disclosures should take three weeks but could be considerably longer, particularly if the individual has lived in several parts of the country, each of which will be checked. In February 2003, the typical turn-around was six weeks.

### **Basic Disclosure**

Basic Disclosure will reveal only unspent convictions. The introduction of this service is delayed indefinitely.

## **Processing Disclosures**

Standard and Enhanced Disclosures must be processed through an organisation registered with the Criminal Records Bureau. The CRB website has a list of registered bodies. Some of these will be 'closed' registered bodies and others will be 'open' bodies (also known as 'umbrella' bodies). The Glossary explains the differences between these two types of registered bodies.

You will need to find out what 'open' registered bodies exist in your area, whether they are willing to process checks on your behalf and how much they may charge. The [Disclosure service](#) website has a list of registered bodies and you should contact several of these bodies until you find one willing to process your organisation's application. You may wish to begin by contacting the LEA in which the project is taking place. Or [Ofsted](#) may be able to help (0845 6014771).

When an individual is applying for a Disclosure check, they will need to prove to the registered body that they are who they claim to be and live at the address they claim to live at. They will do this by showing documentation such as a passport or photo-drivers license and recent official correspondence that shows their address, such as a bank statement or utility bill.

The cost of the actual Disclosure is £12, although when volunteers are being checked, the Criminal Records Bureau has the power to do the check free of charge. Registered bodies may charge an administration fee. This fee can vary considerably and the government is considering limiting the amount that a registered body can charge.

## **12 Common questions**

### **Abuse and neglect**

#### ***What is abuse?***

The government guidance, *Working Together to Safeguard Children*, categorises abuse as:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

These categories are expanded upon in the definitions below, which are largely taken from the NSPCC document, *firstcheck*, pp 33-34. Remember that in all forms of abuse there are elements of emotional abuse and that it is possible to be subjected to abuse in more than one way at a time. These four categorisations and the definitions below do not minimise other forms of maltreatment.

The NSPCC notes that there are other sources of stress for children and families such as, domestic violence, the mental illness of a parent or carer, or drug or alcohol misuse. All these may have a negative impact on a child's health and development and may be noticed by an organisation caring for a child. If it is felt that a child's wellbeing is being damaged by any of these areas, the same procedures as for abuse should be followed.

Vulnerable adults may also be subject to other types of abuse as well as to the four types of abuse listed above. They may be manipulated financially or discriminated against because of a disability or other factor that makes them vulnerable. Further information is in the Department of Health and Home Office guidance on protecting vulnerable adults *No Secrets*.

#### ***What is physical abuse?***

Physical abuse includes hitting, shaking, throwing, poisoning or misuse of medications, burning or scalding, drowning, suffocating or otherwise causing physical harm. Physical harm may also be caused when a parent or carer feigns the symptoms of or deliberately causes ill health to a child whom they are looking after.

#### ***What is emotional abuse?***

Emotional abuse is the persistent emotional ill-treatment of a person such as to cause severe and persistent adverse effects on that person's emotional

development. It may involve making the individual feel or believe that they are worthless or unloved, inadequate. It may also involve causing the person to feel often frightened or in danger. It may involve exploitation or corruption.

### ***What is sexual abuse?***

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child or young person is aware of, or consents to, what is happening. The activities may involve physical contact, including penetrative acts or non-penetrative acts. Sexual abuse also includes non-contact activities, such as involving children or young people in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging them to behave in sexually inappropriate ways.

Sexual abuse of vulnerable adults can be rape and sexual assault or sexual acts to which the person does not consent or cannot consent or is pressured into consenting.

Sexual abuse may be same-sex or opposite sex, may be by other children, young people or adults. People from all walks of life may be sexual abusers.

### ***What is neglect?***

Neglect is the persistent failure to meet a child's, young person's or vulnerable adult's basic physical and/or psychological needs, likely to result in the severe impairment of the person's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child, young person or vulnerable adult from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment.

It may also include neglect of a child's, young person's or vulnerable adult's basic emotional needs.

## **Some useful definitions**

### ***What is a 'child'?***

In law, a child is defined as up to and including the age of 18 in The Children Act 1989. (Extensions of this exist for children who are disabled and for those in local authority care settings.)

### ***What is a 'young person'?***

There is no legal definition for this term. In this document, 'young person' refers to the upper age ranges of the official definition of a child. The term acknowledges

that individuals for instance, 16 or 17 years old, may not think of themselves as 'children' and are often called 'young people' by youth workers.

### ***What is a 'vulnerable adult'?***

In law there is no standard definition of 'vulnerable adult'. You need to define 'vulnerable' in relation to your work and include your definition in your protection policy.

Arts Council England uses the following definition:

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.

### ***What is meant by 'sole charge'?***

Sole charge means having unsupervised contact with children, young people or vulnerable adults. This might be for only a few minutes (while the teacher, youth leader or careworker leaves a room to take a telephone call) or for more extended periods. Arts Council England recommends that artists/arts facilitators do not allow themselves to be in sole charge of children, young people or vulnerable adults.

### ***What does in loco parentis mean?***

In loco parentis (the Latin means 'in place of a parent') refers to the person legally responsible for a child in the absence of the child's parent(s) or regular carer. For instance, in a school setting this is the child's teacher.

An overarching principle for all work with children, young people and/or vulnerable adults is that artists and arts professionals must never assume the role of in loco parentis for children, young people or carers of vulnerable adults.

### ***Why might disabled children be more vulnerable to abuse?***

Some children, because of their mental or physical disability, find it more difficult to recognise and report abuse. Their disability may mean that:

- their life experiences are limited, creating difficulty recognising inappropriate behaviour
- they are afraid of challenging people, concerned that they will anger an authority figure or get into trouble
- communication difficulties make it hard to report abuse
- they may not be able physically to leave an abuse situation

- they are routinely examined or touched and therefore the abuse seems 'normal'
- their self-esteem and self-image are poor
- there might be no-one to whom they can report abuse
- authority figures are unwilling to believe that anyone would abuse a disabled child

***How do I know if I am working with a vulnerable adult?***

Project organisers should, in the planning of any education or learning project, find out if any of the participants are likely to be considered 'vulnerable'. If yes, plan accordingly, including accessing appropriate training. However, artists or arts facilitators should also monitor, as part of the project delivery, whether any of the participants show signs which indicate a particular vulnerability that needs to be accommodated. If in doubt, artists or arts facilitators should liaise with their line manager or the project organiser.

*No Secrets*, the Department of Health and Home Office guidance on protecting vulnerable adults, provides further information.

***Are refugees or asylum seekers 'vulnerable adults'?***

Refugees or asylum seekers are not explicitly included in most definitions of vulnerable adults. However, safe working practices must extend to include anyone reasonably considered to be vulnerable.

***What is a 'carer'?***

A carer is anyone with parental or other legal responsibility or who undertakes day to day care for a child up to the age of 18, a child over the age of 18 who is in a care setting or a vulnerable adult.

***What is a 'position of trust'?***

Positions of trust are roles that involve working with children and other vulnerable groups. This would include situations where artists or arts mentors are working closely with children, young people or vulnerable adults. An adult member of staff or volunteer can have an enormous amount of power and influence over a child, young person or vulnerable adult involved in an activity or event. This is particularly the case when the adult is in some way responsible for the child's, young person's or vulnerable adult's success or failure. It is critical that staff and volunteers recognise any such power and influence and ensure that they do not abuse their positions of trust. (Sexual Offences (Amendment) Act 2000).

## **Recognising abuse**

### ***What do I need to do if I am working with vulnerable adults?***

An arts education project may be a new experience for a vulnerable adult, placing them in unfamiliar surroundings. Project workers should make every attempt to create an environment in which a vulnerable person feels comfortable and effective, physically, emotionally and intellectually. Project organisers should ensure that the project facilitators have been appropriately recruited and have enough training and experience to provide a safe and positive experience.

### ***How far is it my responsibility to recognise abuse?***

If you see something that concerns you, you have a responsibility to report your concerns (see section 9: Responding to possible abuse and to disclosure). After that it is up to others to decide what is to be done.

### ***What might be physical signs of abuse?***

NSPCC notes that there are often bruises and small cuts on children or young people – typically on elbows, knees, shins – areas where accidents often occur. Bruises and cuts on areas such as cheeks or thighs may be cause for concern, as would bruises that are caused by hand marks or fingertips as the possible result of slapping or pinching. Other signs to be concerned about are cigarette burns, bite marks, broken bones, scalds.

A child, young person or vulnerable adult who is being sexually abused may show physical signs such as stomach pains, discomfort in the genital or anal area as well as medical conditions that would probably be hard to spot in comparatively casual contact.

A child, young person or vulnerable adult suffering neglect might show signs of constant hunger, always being unclean, loss of weight or constant underweight, inappropriate dress for the weather.

Signs of emotional abuse might be a failure to thrive or grow, sudden speech disorders, or developmental delay either physically or emotionally.

### ***If a child or young person is being abused, will they behave differently?***

NSPCC notes the following changes in behaviour that can indicate physical abuse: fear of parents being asked for an explanation of an injury or behaviour; aggressive behaviour/temper tantrums; flinching when being approached or touched; reluctance to get changed or wearing long sleeves in hot weather; depression; being withdrawn; and running away from home.

Sexual abuse is most often 'spotted' as a result of the individual's behaviour as opposed to physical symptoms. Behaviour which may indicate sexual abuse includes sudden or unexplained changes in behaviour (such as becoming aggressive or withdrawn), fear of being left with a specific person or group, nightmares, running away from home, sexual knowledge inappropriate to age or development level, sexual drawings or language, bedwetting, eating disorders, self-harm, talking of 'secrets', substance or drug abuse, having sudden and unexplained sources of money, not being allowed to have friends (particularly in adolescence), acting in a sexually explicit way towards adults.

Emotional abuse might show in neurotic behaviour (for instance hair-twisting or rocking), inability to play, being frightened of making mistakes, self-harm or fear of the parent or carer being approached about their behaviour.

Behavioural signs of neglect may include complaining of being tired all the time, not requesting or making use of medical assistance, having few friends, mentioning that they have been left alone or unsupervised.

## **Recruiting safely**

### ***How do I find an artist to work with?***

You should have established procedures for effective and safe recruitment of artists. These should include reviewing the artists' experience, training and qualifications in relation to the specific project for which they are being employed.

For large projects, you may wish to advertise. Allow enough time to ensure not only that references can be taken up, but also that Disclosure checks, if needed, can be processed through the Criminal Records Bureau (see section 11 Criminal Records Bureau and the Disclosure service).

### ***What is a Disclosure check?***

A Disclosure is a document containing information held by the police and government departments such as the Department of Health (DH) and the Department for Education and Skills (DfES). It is obtained from the Disclosure service of the Criminal Records Bureau and helps employers and voluntary organisations make safer recruitment decisions, particularly for positions that involve regular contact with children, young people and vulnerable adults.

***Do I need a Disclosure check if I am working with a teacher, youth worker or other adults who are in a carer-type role?***

A Disclosure check is only needed for a person who is working directly with children, young people or vulnerable adults. However, if you are promoting the work of particular artists or arts facilitators to teachers, youth workers or carers, you are providing an employment service. Those artists or arts facilitators, before working directly with children, young people or vulnerable adults should have had a Disclosure and other appropriate background check. The level of Disclosure needed (ie Standard or Enhanced) will depend upon the nature of the particular project.

The issues here are similar to issues of providing names of artists through web-based or other means.

***In a Disclosure, what information is given?***

The certificate assigns a 'Disclosure number' to the individual and lists the date it is issued. Employment details include:

- position being applied for
- the name of the employer.

The applicant details include:

- name
- date of birth
- place of birth
- gender

The certificate notes any:

- police records of convictions, cautions, reprimands and warnings
- Department for Education and Skills information (List 99)
- Department of Health list
- any other relevant information (information included at the discretion of the Chief Officer(s) of the police force(s) approached by the CRB as part of an Enhanced Disclosure

The 'countersignatory' details include:

- registered body
- name of the person who is the countersignatory (see section 2: Glossary for more on these terms)

### ***How do I know what level of Disclosure is needed?***

The DfES states that it is good practice for anyone working with children, young people, or vulnerable adults to have had an Enhanced Disclosure. However, it has agreed that if the individual working with children, young people, or vulnerable adults can guarantee that they will not have unsupervised access to children, young people or vulnerable adults that a Standard Disclosure is enough.

Procedures to make sure that artists/arts facilitators do not find themselves alone with children, young people or vulnerable adults should be a part of project planning.

The Independent Review of the Criminal Records Bureau (December 2002) and the Ministerial Statement responding to that review (27 February 2003) suggest that the Home Office should more clearly define what type of person or post needs an Enhanced Disclosure and what type needs a Standard Disclosure. The Home Office is carrying out a consultation on this. These papers can be viewed on the Disclosure service website [www.disclosure.gov.uk](http://www.disclosure.gov.uk)

The Arts Council will update this document when new information is available on requirements relating to Disclosure checks.

### ***If I get a Disclosure, do I still need references?***

Yes: Disclosure alone is not enough. You should also ask for two references for recent work with children, young people or vulnerable adults and the project organiser should check up on these. He or she should also make sure that the individual being recruited is fully aware of good practice for protection of children, young people and vulnerable adults and that their previous experience, training and qualifications are relevant.

### ***Does the Disclosure service cover UK artists who live anywhere in the UK?***

For anyone with an address in England or Wales, the system for Disclosure checks is the same – the Criminal Records Bureau (CRB). When recruiting someone whose address is in Scotland or Northern Ireland, you must contact their own separate Disclosure services (see section 13: Contact Details).

### ***How can I check on an artist from abroad?***

Disclosure checks are not available for people not living in the UK. In some countries background checks can be made via the country's passport agency. Ask the relevant embassy.

The CRB is currently working out how to ensure that checks on individuals from abroad are carried out and guidance is expected on this. Check the Disclosure service website for the current position [www.disclosure.gov.uk](http://www.disclosure.gov.uk)

If you cannot get a Disclosure check done, your recruitment practices must be even more rigorous (see above, ***How do I find an artist to work with?***). Ask for and check up on several references, specifically relating to the type of work in which the artist will be engaged. The artist must be fully aware of your protection policy and procedures and you should provide training if necessary.

Any schools or other organisations you are working with should be told that it has not been possible for you to seek a Disclosure check on the artist and must formally agree to having the artist in the project. As with all projects involving children, young people or vulnerable adults, a legally responsible staff member from the setting should always be present.

Remember that standards or 'thresholds' of abuse vary enormously from country to country and what is considered abusive in the UK may not be considered abuse elsewhere.

### ***What is List 99?***

List 99 is a confidential DfES list of adults who are either banned from working with children or young people to the age of 18 or have had restrictions placed upon their employment. Schools must make sure that no-one who is on List 99 has regular contact with children.

### ***How do I make sure someone is not on List 99?***

A check through the Disclosure service will determine whether or not someone is on List 99. You can, prior to seeking a Disclosure, ask applicants to give details of any criminal convictions they have had, excluding any considered 'spent' under the Rehabilitation of Offenders Act 1974.

### ***Who has access to Disclosure information?***

The information contained in a Disclosure is confidential. The countersignatory in the organisation that has processed the Disclosure and the person who is being checked receive a copy. The countersignatory should keep the certificate in a secure place and should not keep it for a period of longer than six months, except in exceptional circumstances. The certificate should be destroyed in a way that ensures the information remains confidential, for instance by shredding it.

The Code of Practice (available at [www.disclosure.gov.uk](http://www.disclosure.gov.uk)) has more information.

***I'm an artist who will be checked through the Disclosure process. What do I get after the process has been completed?***

You get a copy of the certificate.

***My organisation works with ex-offenders – what will that mean in terms of Disclosure checks?***

You will need to have a discussion with the registered body about what criteria they use when interpreting the results of a Disclosure check, since previous offences could influence the outcome of Disclosure. Schools or other settings that you work with will need to know the criteria used in interpreting Disclosure for your organisation. It will be critical that your organisation has clear and well-communicated policies and procedures to ensure the protection of children, young people and vulnerable adults.

***Does a Disclosure check include 'spent' convictions?***

The Standard Disclosure and Enhanced Disclosures include both 'spent' and 'unspent' convictions (see section 2: Glossary for more on these important terms). The relevance of any conviction should be considered in relation to the post. For instance, a conviction relating to money matters would be seen as relevant for a job as finance officer, but may be less relevant for an artist-in-residence.

***How significant are driving offences?***

When criminal records come to light they should be reviewed by the recruiting arts organisation according to the type of work for which the individual is being hired. If driving is not part of the work, then a single driving offence is unlikely to be considered negatively. Patterns of offences, however, may point to more significant issues and may be considered relevant.

***How long does it take to get the Disclosure check through?***

Disclosure checks are meant to only take two to three weeks but the Disclosure service has at times experienced delays of up to three months. In February 2003 the typical turn-around was six weeks.

***Some LEAs require a new Disclosure check for each project that an artist is involved in at a school setting, even if the artist was recently in the same setting for a different project and had a Disclosure check for that work. Can they legally demand this?***

The LEA has a legal responsibility to ensure that children and young people in their schools/educational establishments (and youth clubs in some LEAs) are kept safe. Since the length of time that a Disclosure is considered current has not been defined, there will be different approaches given the nature of the particular job being recruited for and local practice. Project organisers will need to negotiate with the particular LEAs.

***In a touring company, artists work across various LEA borders: do the artists have to be checked in each LEA or is a single check sufficient?***

Disclosure is a National Certificate. Depending upon the nature of the particular project, a single check could be viewed as sufficient. Project organisers should discuss this with the school or setting that is involved in the project in order to clarify whether an existing Disclosure check is considered sufficient or whether a new one needs to be done.

## **Working practices**

***What about health and safety in arts practice?***

Recommendations are that:

- groups should not have more than 26
- an appropriate number of legally responsible adults are present (see staffing ratios)
- there must be adequate space
- there must be access to a telephone in the building
- equipment must meet safety standards
- risk assessments must be carried out
- there must be a first-aid box which meets current Health and Safety (First Aid) Regulations and a member of staff trained in first aid
- regular and appropriate food and drinks are provided
- special needs are catered for
- no child under five years of age should be left at events, unless the parent/carer or responsible older sibling stays with the child
- no school group, youth group or group from a care setting should be left without a legally responsible staff member present
- the artist/arts facilitators should know the evacuation procedures and should tell the group

- children and young people should have a 'named person' to whom they may report any worries or concerns
- contact names and telephone numbers for 'named people' should be visibly displayed, for instance on posters

The CEDC and DfEE publication, *Safe Keeping*, has more information on health and safety.

### ***How do we deal with children, young people or vulnerable adults going to the toilets?***

The issue arises when toilet facilities for children/young people/vulnerable adults and site staff are not separate. A system should be agreed with site staff during the project planning to ensure that artists/arts facilitators working in these settings do not inadvertently find themselves in the toilets alone with children, young people or vulnerable adults.

### ***What about staffing ratios?***

In youth work practice the ratio of legally responsible adults to children/young people tends to be 1:8 regardless of age. Other guidance suggests 1:10 for older children.

It is recommended that there is a minimum of two staff with legal responsibility are present at all times and that children under eight years old are supervised all the time.

The National Care Standards Commission (see below) has specific staffing ratio requirements for daycare organisations, which may be a guide for other organisations. For more information get in touch with the Commission.

### ***What is the National Care Standards Commission?***

It is a new, independent public body set up under the Care Standards Act 2000, to regulate social care and private and voluntary health care services throughout England, see [www.carestandards.org.uk](http://www.carestandards.org.uk) In 2002 it began registering and inspecting care services, such as daycare provision, replacing local authority and health authority inspections

### ***Will my organisation need to register as a daycare provider for children?***

The Care Standards Act 2000 regulates daycare for children under the age of eight. It does not apply if the total period of daycare during any day is up to two hours. Nor does it apply when daycare is more than two hours, but is only

provided on up to five days during the year and providing that Ofsted has been notified beforehand. (See section 2: Glossary for more about Ofsted.)

Therefore:

- if you are not registered with the National Care Standards Commission you must not provide activities for children under the age of eight that exceed two hours
- if you provide a limited number of activities (less than six a year) on site for children under the age of eight, you must notify Ofsted

If you wish to provide activities at your organisation that last more than two hours and which take place on six or more occasions during a year, you must get in touch with the National Care Standards Commission to check the registration requirements of the Care Standards Act 2000.

### ***Can I photograph/film the children/young people/vulnerable adults I'm working with?***

Discuss the taking of images (photographs, videos or film) with the school, youth club or other authorities responsible. Most will have rules regarding images. At first these rules may seem far-fetched, but they are aimed at protecting children and young people from being targeted by paedophiles or others who may harm them. For instance, it is possible to digitally manipulate images to create child pornography. With the help of photographs, children can be identified with a particular school or setting and then targeted for abuse or kidnapping.

If the organisation with which you are working does not have a specific policy, you should negotiate any photographing/filming with them. Formal permission should be obtained for the use of any images, whether of a child, young person or adult.

A parent or guardian can consent to the use of images of the child or young person for whom they are responsible. With older children it is good practice to seek their permission directly as well as asking their parent or carer. If an adult has learning difficulties, they should discuss with their carer or support worker whether to permit images to be used for the purpose stated.

In all cases, permission is for specific uses, although some schools, etc, seek 'blanket' permission from parents for a specific period of time, such as a year. (Some LEAs discourage 'blanket' permission.) You must clearly label and date images and the specific use agreed should be noted. If you want to use them again for a different purpose, new permission will be necessary.

***We use the internet in our arts workshops and in promoting our work, is there anything we need to know in relation to protection issues?***

The internet provides a valuable resource for the arts and for education. However, it does present risks. Child sex offenders can use it as a means to access children. Child sex offenders can target children through chat rooms, news rooms or groups, email lists and by using interactive games. Usually they pretend to be someone of a different age and sometimes gender. In this way they develop an on-line relationship with children or young people, intending it to lead to a meeting. Children can also be exposed to pictures or written material that is pornographic, upsetting or offensive. Inoffensive images of children can be downloaded, manipulated and then turned into pornographic material. Online posting of images of children or young people, particularly if they have a national profile for their arts or other activity, means that paedophiles can readily locate that child, using information about their school or the arts setting.

You should carefully monitor the access and use of the internet when working with children or young people and in promoting the activities you are involved in. The Home Office Task Force on Child Protection on the Internet was set up in 2001. Information including guidance can be found at [www.wiseuptothenet.co.uk](http://www.wiseuptothenet.co.uk)

***If I'm working with children, young people or vulnerable adults, am I considered their 'carer'?***

No – during regular school hours, schools/educational settings act in loco parentis. Outside school hours, parents/carers retain their responsibilities for their children, whether the parents/carers are present or not. This applies in the case of arts activities taking place outside school hours. Artists and arts organisations are advised that they should never act in loco parentis or work with children, young people or vulnerable adults without the appropriate teachers, youth workers, carers or other legally responsible staff present.

**Working with Disclosure checks**

***My organisation offers a database/directory/telephone advice service to provide names of artists and arts facilitators to work with children/young people/vulnerable adults. Do the artists and facilitators that we provide the names of need to have Disclosure checks before we give their names and contact details to education or care institutions?***

You would be wise only to provide names of artists or arts facilitators who have had a Disclosure check.

Your organisation is providing an employment service. You could be both legally and morally responsible if one of the artists or arts facilitators abused a child or

vulnerable adult. Ensuring that your organisation has a written policy and follows a consistent set of written procedures to protect children, young people and vulnerable adults would help to protect all parties.

If brokering between artists/arts facilitators and school/educational establishment, youth or care settings is a key part of your work it may be worth registering with the CRB so you can process Disclosures directly rather than going through another body.

***For how long is a Disclosure Check considered current?***

The law has not defined how long a Disclosure check is 'current'. Someone could be checked through the Disclosure service and soon after commit an offence and be convicted. This proves the need to see Disclosure checks as only one part of a wider strategy for protection of children, young people and vulnerable adults.

The NSPCC suggests that it is the responsibility of schools/educational establishments, youth and care settings to satisfy themselves that Disclosure checks are relevant and up-to-date. It also recommends that an employer should request and follow up references specifically relating to the individual's previous work with the target group.

***Do 'work experience' hosts need to be checked?***

The key issue is how much a relationship of trust might develop or be necessary between the host and the work experience student. Where trust develops, it can be abused and therefore precautions, including Disclosure checks, particularly need to be taken.

Large organisations may have difficulty in ensuring that the work experience placement only has contact with people who have had a Disclosure. A risk assessment should be undertaken and measures taken to reduce the likelihood of abuse. This might mean ensuring that the young person is accompanied at all times by someone who has had a Disclosure.

An early discussion should take place between the educational institution and the host organisation. The main contact in the host organisation may need to undergo a Disclosure check.

***Do mentors need to be checked?***

Yes, strict vetting of mentors is needed, including Disclosure checks. Mentoring is a trust-building relationship. An apparently innocent friendship at the outset can be

deliberately developed into one of deep trust for the very purpose of sexual abuse. Paedophiles can skilfully 'groom' children and young people for abuse. Vulnerable adults, particularly those with learning disabilities, are prey to grooming for sexual abuse or for financial abuse (for instance theft by a person in a position of trust). (See also 'What is a position of trust'.)

***Where someone goes into an educational setting, accompanied by staff, for just a day or two, is Disclosure really necessary?***

The DfES expects an unchecked individual going into a school to be subject to the same precautions that schools apply to any other visitor to a school. This means, in particular, that they should not be left in sole charge of children, inside or outside the classroom, without a member of school staff also being present.

***School groups, etc come to our organisation to take part in arts projects. Do our staff and the project artists need Disclosure checks?***

Legally, the responsibility lies with the school/youth group leader/care centre. However, you have a moral responsibility to take all possible precautions to ensure the safety of project participants.

***What if I can't get a registered body to process my Disclosure application (or the application of someone I am hiring)?***

The [Disclosure service](#) website has a list of registered bodies and you should contact several of these bodies until you find one willing to process the application.

You may wish to begin by contacting the LEA in which the project is taking place. Or [Ofsted](#) may be able to help (0845 6014771). If your organisation is likely to need many Disclosure checks, consider registering with the CRB so you can process checks directly.

***What does it cost to get a Disclosure processed through a registered body?***

The basic Disclosure service charge is £12. Most registered bodies may add on £10 to £12 (to cover their own costs), some are charging much more. Administrative charges vary considerably: ask what the charges will be.

***Should our organisation register with the Criminal Records Bureau to process Disclosure checks?***

Organisations with a legitimate reason for requesting sensitive information on individuals can register with the Criminal Records Bureau to process Disclosure checks. If brokering between artists and school, youth or care settings is a key part

of your work it may be worth registering with the CRB so you can process Disclosures directly.

Registration may be as an employer (for the organisation to process checks on adults it employs) or as an umbrella body (in order to process checks as a service to other organisations or individuals).

Before registering with the CRB, organisations should consider the practical implications. In particular, organisations registering as an umbrella body (to process checks on behalf of other organisations and individuals) should assess the impact of this upon other areas of work and what staffing measures and administrative charges may be appropriate. The [Disclosure service](#) website has a list of registered bodies, and organisations interested in registering may benefit from a discussion with an already-registered organisation.

It costs £300 to register, as either an employer or a registered body and takes about three months to set up. The conditions of registration are on the Disclosure service website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk)

## **13 Contact details**

### **Ann Craft Trust**

Information, support and consultation regarding the protection of and abuse of children and adults with learning disabilities, including those with additional disabilities. The trust is based at the University of Nottingham.

Ann Craft Trust

University of Nottingham

University Park

NG7 2RD

Tel: 0115 951 5151 (general enquiries)

Email: [Ann-Craft-trust@nottingham.ac.uk](mailto:Ann-Craft-trust@nottingham.ac.uk)

### **Area Child Protection Committees**

Area Child Protection Committees (ACPCs) (see section 2: Glossary): to find your local committee, go to <http://www.doh.gov.uk/acpc/local.htm> or contact your local authority social service department.

### **Child Protection in Sport Unit**

Founded in 2001 as a partnership between NSPCC and Sport England.

Child Protection in Sport Unit

NSPCC National Training Centre

3 Gilmour Close

Beaumont Leys

Leicester LE4 1EZ

Tel: 0116 234 7278/7280

Facsimile: 0116 234 0464

Email: [cpsu@nspcc.org.uk](mailto:cpsu@nspcc.org.uk)

[www.sportprotects.org.uk](http://www.sportprotects.org.uk)

### **Criminal Records Bureau**

Helps organisations make safer recruitment decisions, through its Disclosure service:

Information line: 0870 90 90 811

[www.crb.gov.uk](http://www.crb.gov.uk)

### **Disclosure service**

[www.disclosure.gov.uk](http://www.disclosure.gov.uk)

**Disclosure service list of registered umbrella bodies:**

[www.disclosure.gov.uk/index.asp?fuseaction=umb\\_results](http://www.disclosure.gov.uk/index.asp?fuseaction=umb_results)

**Home Office Task Force on Child Protection on the Internet**

[www.wiseuptothenet.co.uk](http://www.wiseuptothenet.co.uk)

**Mencap**

Views and experiences of people with learning disabilities and their families.

<http://www.mencap.org.uk>

**National Care Standards Commission**

A body set up under the Care Standards Act 2000, to regulate social care and private and voluntary health care services throughout England. In 2002 it began registering and inspecting care services, such as daycare provision.

St Nicholas Building

St Nicholas Street

Newcastle upon Tyne NE1 1NB

Tel: 0191 233 3600

Fax: 0191 233 3569

Email: [enquiries@ncsc.gsi.gov.uk](mailto:enquiries@ncsc.gsi.gov.uk)

[www.carestandards.org.uk](http://www.carestandards.org.uk)

**NCH**

One of the UK's leading children's charities, which works with over 98,000 vulnerable children, young adults and their families through more than 480 projects.

NCH

85 Highbury Park

London N5 1UD

Tel: 020 7704 7000

[www.nchafc.org.uk](http://www.nchafc.org.uk)

## **Northern Ireland Criminal Records Bureau**

CRO

PSNI Headquarters

'Brooklyn'

65 Knock Road

Belfast, BT5 6LE

Northern Ireland

Tel: 028 9065 0222

<http://www.psnipolice.uk/contact.shtml>

## **NSPCC**

National Society for the Prevention of Cruelty to Children provides training, resource materials and consultancy services.

NSPCC

Weston House

42 Curtain Road

London EC2A 3NH.

Tel: 020 7825 2500

Fax: 020 7825 2525

NSPCC Consultancy Service

NSPCC National Training Centre

3 Gilmour Close

Beaumont Leys

Leicester LE4 1EZ

Tel: 0116 234 7227

Email: [consultancy@nspcc.org.uk](mailto:consultancy@nspcc.org.uk)

Free weekly email bulletins are available. Register for this service at the NSPCC Inform section of the website [www.nspcc.org.uk/inform/CH\\_Home.asp](http://www.nspcc.org.uk/inform/CH_Home.asp)

The NSPCC Child Protection Helpline is 0808 800 5000

## **Ofsted**

Alexandra House

33 Kingsway,

London WC2B 6SE

Go to [www.ofsted.gov.uk](http://www.ofsted.gov.uk) for a detailed directory of telephone contacts

**Scotland- criminal records bureau equivalent**

Disclosure Scotland

PO Box 250

Glasgow, G51 1YU

Helpline: 0870 609 6006

Fax: 0870 609 6996

Email: [info@disclosurescotland.co.uk](mailto:info@disclosurescotland.co.uk)

<http://www.scro.police.uk/>

**Social services departments**

Local authority social service departments are the main point of contact for children or vulnerable adults about whom there are welfare concerns. Look in your local telephone directory.

## **14 Documents and resources**

***Caring for young people and the vulnerable: guidance on preventing abuse of trust.*** (Home Office 1999) Available at

<http://www.homeoffice.gov.uk/docs/young.html>

### ***Choose with Care***

Building child-safe organisations [www.ecpat.org](http://www.ecpat.org)

***Criminal Justice and Court Services Act 2000 – Protection of children guidance*** <http://www.homeoffice.gov.uk/docs/guidance.pdf>

### ***Data Protection Act 1998***

[www.hmsa.gov.uk/acts/acts1998/19980029.htm](http://www.hmsa.gov.uk/acts/acts1998/19980029.htm)

### **The Disclosure service**

A '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).

[www.disclosure.gov.uk](http://www.disclosure.gov.uk)

### ***firstcheck: a step by step guide for organisations to safeguard children***

NSPCC price £ 29.95 from NSPCC Publications and Information Unit.

Tel: 020 7825 2775

Email [infounit@nspcc.org.uk](mailto:infounit@nspcc.org.uk)

[www.nspcc.org.uk](http://www.nspcc.org.uk)

NSPCC also publishes ***stopcheck*** (see below).

### ***Getting it Right***

Guidelines (1999) to help you develop your child protection policies and procedures: from Volunteer Development Agency

Tel: 028 9023 6100

Email: [info@volunteering-ni.org](mailto:info@volunteering-ni.org)

[www.volunteering-ni.org](http://www.volunteering-ni.org)

***Good Practice Model and Guidance for the Internet Industry***

(Home Office 2003) available at <http://www.wiseuptothenet.co.uk/>

***Health and Safety of Pupils on Educational Visits and Exchanges***

(Department for Education and Employment 1998)

Tel: 0808 100 5060

***In Safe Hands - protection of vulnerable adults***

(National Assembly for Wales 2000) Outlines policy, process, legal context and examples of practice in Wales.

[http://www.wales.gov.uk/subisocialpolicy/content/pdf/safehands\\_e.pdf](http://www.wales.gov.uk/subisocialpolicy/content/pdf/safehands_e.pdf)

***Keeping Your Child Safe on the Internet***

(Home Office 2001) available from <http://www.wiseuptothenet.co.uk/>

***Child Protection in Sport Unit***

Is a collaboration between NSPCC and Sport England. Go to

[www.sportprotects.org.uk](http://www.sportprotects.org.uk) and search for its sample child protection policy.

***Making the right choice*** (1996)

A guide to using the Pre-Employment Consultancy Service (PECS) available from Volunteer Development Agency.

Tel: 028 9023 6100

Email: [info@volunteering-ni.org](mailto:info@volunteering-ni.org)

[www.volunteering-ni.org](http://www.volunteering-ni.org)

***No Secrets - guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse*** (2001)

Department of Health and Home Office <http://www.doh.gov.uk/scg/nosecrets.htm>

***Our Duty to Care*** (2000)

Outlines principles of good practice for voluntary organisations working with children and young people. Available from Volunteer Development Agency.

Tel: 028 9023 6100

Email: [info@volunteering-ni.org](mailto:info@volunteering-ni.org)

[www.volunteering-ni.org](http://www.volunteering-ni.org)

**Parents Leaflet** (2000)

Provides information to parents about questions they should be asking when sending a child to a group or organisation: Available from Volunteer Development Agency.

Tel: 028 9023 6100

Email: [info@volunteering-ni.org](mailto:info@volunteering-ni.org)

[www.volunteering-ni.org](http://www.volunteering-ni.org)

**Police Act 1997**

<http://www.legislation.hmso.gov.uk/acts/acts1997/1997050.htm>

**Protection of Children Act 1999 - a practical guide to the Act for all organisations working with children**

<http://www.crb.gov.uk/downloads/childprotect.pdf>

**Protection of Children Act 1999**

<http://www.legislation.hmso.gov.uk/acts/acts1999/19990014.htm>

**Safe and Sound – building a safer youth work environment**

Youth Clubs Scotland

Tel: 0131 554 2561

Email: [info@yccs.org.uk](mailto:info@yccs.org.uk)

**Safe Keeping: a good practice guide for health and safety in study support**

(CEDC and DfEE 2000) ISBN 184185 367 4 Tel 0845 60 22260

Contains information on health and safety, including legislation. Provides templates and model policies.

**Safeguarding Children: Everybody's Business**

Video training resource produced in 1999 and available from NSPCC.

Tel: 020 7825 2775

Email: [infounit@nspcc.org.uk](mailto:infounit@nspcc.org.uk)

### ***stopcheck***

An explanatory booklet to help small groups or organisations from NSPCC Publications and Information Unit.

Tel: 020 7825 2775

Email [infounit@nspcc.org.uk](mailto:infounit@nspcc.org.uk)

[www.nspcc.org.uk](http://www.nspcc.org.uk)

Free to individual organisations (send A4 SAE with 2 first class stamps)

Charges for multiple copies are as follows:

Up to 20 copies      £2.00 per copy

21 - 100 copies      £1.75 per copy

100 + copies      £1.50 per copy

In addition ***stopcheck*** will be available on the NSPCC 1st Check, Inform and Training and Consultancy websites.

### ***Training Resource Directory(2000)***

A signposting directory for voluntary organisations and community groups working with children and young people, to help them find child protection training which best meets their needs: from Volunteer Development Agency.

Tel: 028 9023 6100

Email: [info@volunteering-ni.org](mailto:info@volunteering-ni.org)

[www.volunteering-ni.org](http://www.volunteering-ni.org)

### ***UN Convention on the Rights of the Child***

The Convention is a list of Articles which covers all aspects of your life. 40 Articles describe the rights which the government must make sure you have.

<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

### ***Working together to safeguard children***

(Home Office, Department of Health, Department for Education and Employment 1999) Explains the different categories of abuse and how to recognise them; the roles and responsibilities of different agencies and services, including inter-agency responsibility; and handling different types of situations.

<http://www.doh.gov.uk/quality5.htm>

## **Appendix: Reviewing policies and procedures**

The NSPCC document, *firstcheck: a step by step guide for organisations to safeguard children*, provides six 'Checkpoints'. These can help you devise and later review your organisation's policy and procedures for the protection of children, young people and vulnerable adults. Based on the work of George Varnarva with the Forum on Children and Violence, they are reproduced with permission of the NSPCC and with amendments to include vulnerable adults.

You can use the Checkpoints that are relevant to your organisation and the work you are engaged in.

### Checkpoint 1: Philosophy and principles

An organisation providing services or activities for children, young people or vulnerable adults exists within the wider community: they have a right to have fun and be protected when participating in activities they, their parents or their carers have chosen. Parents and carers have a right to feel safe when entrusting their children, young people or vulnerable adults in their care to such organisations.

Children, young people and vulnerable adults have fundamental rights, reflected in laws and guidance. Organisations have a duty to protect those rights and comply with the principles enshrined in laws and the UN Convention on the Rights of the Child.

a in place    b proposed    c not in place

		a	b	c
1	The organisation's duty of care for children, young people and vulnerable adults is explicitly written in recruitment and policy materials			
2	Statements that the welfare of each child, young person or vulnerable adult must be the paramount consideration of the organisation are built into all policies			
3	Statements that children, young people and vulnerable adults have rights as individuals and should be treated with dignity and respect feature in all relevant policies			
4	The organisation has an equal opportunities policy			
5	Children, young people and vulnerable adults are made aware of their rights and responsibilities by publicised material			
6	Discriminatory behaviour, violent or degrading behaviour, or name-calling is actively discouraged and measures are taken to deal with such incidents			
7	All disciplinary measures are non-violent and appropriate to an individual's stage of development and identity, taking account of any disability			
8	The organisation works to stated principles of partnership – with children, young people, vulnerable adults, parents and the wider community			
9	The organisation has a culture of mutual respect between staff and children/young people/vulnerable adults with staff and others involved in the organisation modelling good behaviour			
10	The organisation has an anti-bullying policy			

## Checkpoint 2: Protection policies and procedures

Any organisation providing services or activities for children/young people/vulnerable adults should have a relevant policy in place. In itself, this is not enough, but it provides a benchmark of intent and a reference point should your practice be challenged or compromised.

A policy statement should be simple. It should be a statement of commitment and intent that is relevant to all members of staff together with a statement of how the organisation will achieve this. It should set out broad, practical objectives and provide the rationale for the procedures.

Procedures should cover all the measures by which the organisation intends to raise awareness of child protection and how to respond to any suspicions of abuse. They should be developed within the context of local Area Child Protection Committee (ACPC) policies and procedures (see section 2: Glossary).

a in place    b proposed    c not in place

		a	b	c
1	The organisation has a child/young person/vulnerable adult protection policy statement			
2	The organisation has protection procedures and staff are aware of them			
3	The protection procedures distinguish between concerns about abuse within the child's, young person's or vulnerable adult's family and concerns or allegations about staff, volunteers or children/young people/vulnerable adults themselves			
4	There is a designated person with responsibility for protection and welfare of children, young people and vulnerable adults			
5	There are guidelines relating to responding to children's, young peoples' or vulnerable adults' reporting of abuse or unacceptable behaviour			
6	If protection policies are in place, they are actively promoted to all new and existing staff			
7	There are child/young people/vulnerable adult-friendly guidelines relating to roles and responsibilities for staff and volunteers			
8	There is a process for recording concerns and staff are aware of it, eg a written log			
9	There is a disciplinary and grievance policy that staff are aware of			
10	The organisation is aware of how it fits in to the (ACPC) guidelines for child protection and the local network and systems			

### Checkpoint 3: Conduct and good practice

A code of good behaviour and practice is beneficial to children/young people/vulnerable adults, parents/youthworkers/carers and staff within the organisation in terms of minimising not only the opportunity for abuse but also and for allegations or false accusations to be made.

In considering the questions below you need to distinguish between a code of practice for adults towards children/young people and a code of behaviour for children, young people and vulnerable adults towards each other or towards adults who are in charge.

a in place    b proposed    c not in place

		a	b	c
1	The organisation has a code of good practice or code of behaviour for adults towards children/young people/vulnerable adults			
2	The organisation has a code of good practice or code of behaviour for the behaviour of children, young people and vulnerable adults towards each other			
3	Discriminatory behaviour, violent or degrading behaviour, or name-calling by adults is actively discouraged and measures are taken to deal with such incidents			
4	Discriminatory behaviour, violent or degrading behaviour, or name-calling by children, young people or vulnerable adults is actively discouraged and measures are taken to deal with such incidents			
5	There is a specific code of practice relating to aggressive behaviour, both towards children/young people and between them			
6	There is guidance on managing behaviour and on restraint			
7	If relevant, there are guidelines for intimate care of children, young people or vulnerable adults, or relating to appropriate or inappropriate touching			
8	If codes of practice are in place, there are systems for monitoring or regulating them			
9	Consuming alcohol, taking drugs or smoking is forbidden or only permitted within the law			
10	There are written standards of personal behaviour, conduct and language			

#### Checkpoint 4: Staff and volunteers

The safe culture of an organisation providing activities or services for children/young people/vulnerable adults depends to a great extent on the quality and integrity of its staff and volunteers. Relevant, current and forthcoming legislation encourages all childcare or other care organisations to make the necessary checks when proposing to appoint adults to care positions. Safe and sound recruitment and vetting is therefore of prime importance.

Also, an organisation that expects its staff and volunteers to be able to respond appropriately to child, young people and vulnerable adult protection concerns must provide training, supervision and support for staff who encounter protection concerns in the course of their work.

a in place    b proposed    c not in place

		a	b	c
1	There are policies and procedures for the recruitment and vetting of all staff and volunteers who come into contact with children/young people/vulnerable adults			
2	There is a staff and/or volunteer induction programme that includes protection awareness			
3	Staff, volunteers, coaches or leaders are easily identifiable and known to the children, young people and vulnerable adults			
4	Staff and volunteers have all been checked through the Disclosure service			
5	There is a whistle-blowing policy – to promote the disclosure by a staff member of confidential information relating to unacceptable behaviour by another member of staff			
6	There are disciplinary and grievance policies that staff are aware of			
7	There is a policy on providing support for staff or volunteers who encounter child/young people/vulnerable adult protection concerns within their work			
8	Opportunity for protection training is available and resources are identified			
9	There is a policy on confidentiality, taking account of the Data Protection Act 1998			
10	The child/young people/vulnerable adult protection policy addresses the issue of 'abuse of trust'			

### Checkpoint 5: Partnerships and public relations

A culture of safeguarding children, young people and vulnerable adults will be dependent upon the level of openness that exists between the organisation, the community, the parents or carers of children, young people and of vulnerable adults using the services and the children/young people/vulnerable adults themselves.

This can be achieved by a range of methods such as posters and other publicity or information material, but ultimately it is demonstrated by the principles and values of the organisation, as well as by specific measures that can be taken.

If you decide to review and revise this element of your organisation, a useful starting point may be to conduct a simple 'user study' or simple market research questionnaire, directed at the children/young people/vulnerable adults and/or their parents/carers/youth workers/care settings.

a in place    b proposed    c not in place

		a	b	c
1	Posters, websites, publicity material and information relating to the organisation openly address safeguarding the welfare of children, young people or vulnerable adults			
2	Meetings are held with parents, youth workers, carers, children, young people and vulnerable adults at the outset of projects			
3	Parents/youth workers/carers and children/young people/vulnerable adults easily recognise staff and volunteers belonging to the organisation			
4	There are ways of regularly informing all stakeholders of progress on projects and consulting with stakeholders about developments			
5	The organisation is known and recognised in the local community (through promotional literature, flyers, local press or library)			
6	Feedback regarding all aspects of the organisation and its activities is regularly invited from parents/youth workers/carers and children/young people/vulnerable adults			
7	There are safeguards in place relating to transport or taking children/young people/vulnerable adults away on trips			
8	Communication about commitment to a culture of safety between the organisation, parents/youth workers/carers and children/young people/vulnerable adults is open and readily available, taking account of language or communication differences			
9	There are facilities and resources for disabled children/young people/adults who use the service			

### Checkpoint 6: Community and environment

Any organisation or community group providing services, care or activities for children/young people/vulnerable adults should be part of the local community and wider environment. It should be aware of the adults who make up the local community, their different cultures and needs.

There should be an awareness of the statutory agencies such as social services, health trusts or centres, hospitals, schools/educational establishments and so on as well as other voluntary organisations such as the NSPCC. Links with the council are useful in order to provide local information and to find out about proposed developments.

An organisation cannot be isolated from other protective or safeguarding measures that are taken by families, communities and wider society. If the organisation is well known within the local community, with open communication links with statutory services, it is less likely to be targeted by someone with suspicious motives towards children or young people.

a in place    b proposed    c not in place

		a	b	c
1	The organisation is advertised as part of the local community			
2	It has good links with other local groups			
3	It has links with the statutory services such as social services, health, police and education			
4	The organisation works closely with the local community, providing opportunities for involvement, feedback and consultation			
5	The range of activities provided is communicated to the wider community			
6	The premises themselves are visually attractive and accessible for disabled people			
7	The premises are welcoming to children/young people/vulnerable adults from all backgrounds by culturally familiar pictures and images			
8	The facilities are secure, safe and monitored, eg CCTV, car park security			
9	There is family-friendly equipment, appropriate to the activities provided			
10	There are good standards of hygiene, safety and maintenance within the building			

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Edited by Janet Hadley

If you have comments on this document please forward them to:

Norinne Betjemann  
Director of Education and Learning  
Arts Council England  
14 Great Peter Street  
London SW1P 3NQ

[norinne.betjemann@arts council.org.uk](mailto:norinne.betjemann@arts council.org.uk)

Arts Council England  
14 Great Peter St  
London SW1P 3NQ  
Phone: 020 7333 0100  
Fax: 020 7973 6590  
Textphone: 020 7973 6564  
[enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)

[www.artscouncil.org.uk](http://www.artscouncil.org.uk)

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