



**LLANDYBIE PUBLIC MEMORIAL HALL  
AND  
RECREATION ASSOCIATION**  
Registered Charity No: 523895



## **CHILDREN AND YOUNG PERSONS PROTECTION POLICY**

1. The trustees and management committee of Llandybie Memorial Hall and Recreation Hall Association recognise that everyone has a responsibility to ensure, as far as is practicable, the protection and safety of **all** children and young persons (being persons who have not yet reached their eighteenth birthday).
2. Whilst the Memorial Hall is not a child protection agency, we are also committed to encouraging the development of best practice within community groups that use our facilities.
3. The intention of this policy is to establish the roles and responsibilities of all Memorial trustees, volunteers and staff in relation to the protection of children with whom they come into contact, either directly or through the community groups who use the Memorial Hall facilities.
4. In accordance with UK legislation and guidance, the Memorial Hall:
  - a. Recognizes that the welfare of the children and young persons is paramount and should be safe guarded by protecting them from physical, sexual or emotional harm and from neglect and bullying.
  - b. All children and young persons have a right to be safe and to be treated with dignity. False allegations of abuse are relatively rare but it is hoped that the guidance appended to this policy statement will help to safe guard children, young persons, staff, volunteers and trustees of the Memorial Hall, including the avoidance of situations that might be subject to misinterpretation or misunderstanding.
5. The Memorial Hall will take all reasonable steps (including consistent relevant recruitment procedures) to ensure as far as practicable that unsuitable persons are prevented from being employed by the Memorial Hall and working with children and young persons.
6. Where appropriate, the Memorial Hall will procure suitable training for relevant staff and volunteers.
7. The Memorial Hall will promptly investigate and take appropriate action in all cases of situations involving child protection issues and any member of the Memorial Hall.
8. The secretary, on behalf of the trustees, will ensure that all persons who may come into direct or indirect contact with children and young persons are aware of this policy and understand what is expected of them in relation to the protection of such children and young persons.

## APPENDIX ONE

### WHAT IS CHILD ABUSE?

This refers to the damage done to a child's/young person's physical, mental or emotional health in situations which arise when adults or (increasingly) peers misuse their power over children or young persons.

There are five forms of abuse; -

1. Physical.
  - a. Physical hurt or injury to children or young persons, including attempting to do so, that is giving them drugs, alcohol, cigarettes or other inappropriate substances.
2. Sexual.
  - a. As well as inappropriate physical contact, this includes such things as the showing of pornographic material and taking photographs for such purposes
3. Emotional.
  - a. Includes persistent lack of love and affection/attention, overprotection which prevents them from socializing; and frequent shouting and taunting of children or young persons.
4. Bullying.
  - a. This can take many forms and is usually repeated over a period of time. It includes physical, verbal and emotional bullying (e.g. sarcasm; spreading rumours; isolation from activities; graffiti; gestures etc). They will all include deliberate hostility and aggression towards the victim; a victim who is less powerful than the bully; and an outcome that is always painful and distressful for the victim.
5. Neglect.
  - a. Usually where a child or young person's basic physical needs are not met (food, warm clothing etc); or they are consistently left alone and unsupervised; or they are left exposed to risk of injury or there is otherwise a failure to ensure their safety.

## APPENDIX TWO

### RECOGNISING ABUSE

Even persons working with child abuse can find it difficult to recognise a situation where abuse is or has been occurring. The following list is indicative only and not exhaustive. It should be borne in mind that the presence of one or more of the following is not necessary proof of abuse (e.g. all children and young persons will suffer cuts/grazes and bruises from time to time and their behaviour may give cause for concern for reasons other than abuse). However, if you are concerned about the welfare of a child or young person, it is imperative that you act. Never assume that someone else will act if you do not.

Possible indications of abuse include: -

1. Unexplained or suspicious injuries, especially if on part of the body not prone to such injuries.
2. The child or young person describing what seems to be an abusive act involving them.
3. A third-party expressing concern about the welfare of a child or young person.
4. Unexplained changes in behaviour, such as becoming quiet, withdrawn or displaying sudden outbursts of temper.
5. Sexual awareness inappropriate for age, or engaging in sexually explicit behaviour.
6. Being mistrustful of adults, particularly those with whom a close relationship might normally be expected.
7. Having difficulty in making friends.
8. Being prevented from socializing with other children or young persons.
9. Variation in eating patterns (including overeating or loss of appetite).
10. Weight loss for no apparent reason.
11. Becoming increasingly dirty or unkempt.

## **APPENDIX THREE**

### **RECORDING OF INFORMATION. SUSPICIONS OR CONCERNS**

Information provided to Social Services or (the Police should be as helpful as possible, since it may be used in subsequent legal proceedings, therefore it should be as detailed as possible. Wherever possible, referrals to Social Services should be confirmed in writing within 24 hours. Keep a record of the name and designation of the person to whom the referral has been made, along with the date and time of the referral in case any follow up is needed. Maintain confidentiality on a need-to-know basis - only share it if it will protect the child/young person. Do not discuss the incident with anyone other than those who need to know.

Reports should include the following: -

1. Your name and position.
2. Child/young person's name, address and date of birth.
3. Name and address of child/young person's parents or carers (where known).
4. Nature of the allegation.
5. An accurate account of what has occurred (in their own words as far as possible) and how any bruising or other injuries happened.
6. Any observation that has been made to or by you, including a description of any visible bruising or other injuries.
7. Times, locations, dates or other relevant information.
8. Your knowledge of, and relationship (if any) to the child or young person.
9. Advice received (whether from NSPCC, Social Services, and Police etc) on the matter.
10. Actions taken.

**Clearly distinguish between what is fact, opinion and hearsay.**

**Restrict questions to those necessary to establishing the facts.**

**Remember - doing nothing is not an option in child protection.**

## APPENDIX FOUR

### GUIDELINES FOR CONTACT WITH CHILDREN & YOUNG PERSONS

1. Always be public and open when working with children/young persons. Avoid situations where an adult and child/young person are completely Unobserved.
2. Where children/young persons are being supervised, adults should work in pairs where appropriate.
3. Avoid taking children/young persons to your home where they will be alone with you .
4. Where the above type of situation is unavoidable, they should only occur with the full knowledge and consent of the person(s) in charge of the relevant organisation and/or parents.
5. Never allow or engage in rough, physical or sexually provocative games or any form of inappropriate touching.
6. Never make sexually suggestive comments to a child or young person, even in fun.
7. Never do things of a personal nature for children/young persons which they can do for themselves. If it becomes necessary to do such things (e.g. with very young or disabled children), they should only be done with the prior consent of parents/careers (and, as appropriate the child/young person themselves).
8. Never allow allegations by a child/young person to go unchallenged, unrecorded or not acted upon - even where the allegations is against you personally.
9. If you accidentally hurt a child/young person or they misinterpret or misunderstand something which you have done, report any such incident as soon as possible to another colleague and make a written note of it in the record book. Parents or careers must be informed of the incident
10. If it appears necessary to depart from these guidance notes, it can only be done after consultation and approval from the management committee.
11. Remember to consider at all times how an action can be perceived rather than how it is intended.

## APPENDIX FIVE

### ACTION TO BE TAKEN WHEN THERE ARE CONCERNS ABOUT THE WELFARE OF A CHILD OR YOUNG PERSON

1. React calmly and receptively so as not to frighten the child/young person.
2. Tell the child/young person that they are not to blame and that they were right to tell you.
3. Take seriously what the child/young person says and let them know that you will do what you can to help
4. Remember that it can be more difficult for some children/young persons to disclose abuse than others; this may result in communication difficulties, so be patient.
5. Secure the safety of the child/young person. If they need immediate medical treatment call an ambulance or take them to the nearest hospital. Remember to inform the medics of your concerns and make them aware that this is a possible child protection issue.
6. Avoid asking the child/young person leading questions. Only ask questions that may be necessary to ensure a clear understanding of what has been said.
7. Avoid making assumptions or negative comments about the alleged abuser.
8. Reassure the child/young person, but do NOT make promises of confidentiality or outcomes which might not be feasible in the light of subsequent developments.
9. Report the matter to the Memorial trustees and if appropriate seek advice from the NSPCC Child Protection 24 hour Free phone help line on 0808 800 5000, or from Social Services or from the Police, who will then follow local Area Child Protection committee procedures. If you are advised to make a formal referral, make it clear that this is a Child Protection referral.
10. Make a full record of what has been said, heard or seen, as soon as possible.
11. Confidentiality should otherwise be maintained on a strictly "need to know" basis and relevant documents stored in a secure location.
12. Parents and careers should be contacted only after advice from Social Services.

## APPENDIX SIX

### FURTHER INFORMATION

The Children Act 1989 (England & Wales)

The Children (Scotland) Act 1995 (Scotland)

Human Rights Act 1998

The Protection of Children Act 1999 (England & Wales)

The Sexual Offences (Amendment) Act 2000

The Criminal Services and Court Services Act 2000

Rehabilitation of Offenders Act 1974

"Working Together to Safeguard Children" (Dept Health 1999)

"Caring for the Young and Vulnerable" (Home Office 1999)

"Protecting Children - a Shared Responsibility" (Scottish Executive 1998)

Department of Health website [www.doh.gov.uk](http://www.doh.gov.uk) (includes practical guide to the law relating to child protection, especially the Protection of Children Act 1999)

"Safe from Harm: Code of practice for safeguarding the welfare of children in voluntary organisations in England & Wales" [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

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

NSPCC [www.nspcc.org.uk](http://www.nspcc.org.uk) Helpline for concerns about child welfare **0808 8000 500**

Your Local Authority's Area Child Protection Committee.

## Children & Alcohol

The protection of children from harm is one of the four licensing objectives that underpin the Licensing Act 2003 ("the Act"). It remains a significant Government priority.

The new licensing regime has been designed, in part, to close the loopholes and inadequacies of previous law in relation to children, while allowing fewer than 18s to experience the atmosphere of licensed premises in a family friendly, safe environment. The Act requires that all licensed premises and clubs set out in their operating schedule the steps they propose to take to promote the licensing objectives, including the protection of children from harm.

The new regime allows licensing authorities to attach conditions relating to children's access to reflect the individual nature of each establishment if relevant representations are made and this is necessary to protect children from harm. Where there is no risk of harm, there need be no conditions applied. Where there is a genuine danger, for example through underage drinking, drug dealing or entertainment of an adult nature, following representations, steps can be taken. The licensing authorities, having first considered any relevant representations from responsible authorities or interested parties, can impose necessary conditions on the licence or certificate to provide the fullest possible safeguards for the protection of children.

In addition to the licensing objective on children, the laws relating to the sale to and consumption of alcohol by minors have been strengthened and updated to offer increased protection for children.

### Q&A

#### **1. What are the problems with current law regarding children's access?**

- a. The previous system contained some inadequacies and may not have afforded protection to children from risk of harm. Many inadequacies are the result of legislation being a combination of antiquated laws – some dating back as far as 1382. These laws have now been brought up to date through the Act and streamlined. In addition, the inclusion of the objective of the protection of children from harm places the protection of children at the centre of the new regime.
- b. Previously, the consumption of alcohol by minors was only unlawful in the 'bar area' of licensed premises. An adult could have therefore bought a gin and tonic at the bar and given it to a child as young as five years in the beer garden or night club. This is no longer the case. All parts of licensed premises will be subject to the same prohibitions.

#### **2. What are the offences of particular significance under the Act relating to children?**

- a. It is an offence for certain persons to allow children under 16 on relevant premises (which means premises to which a premises licence or a club premises certificate has been granted; or a permitted temporary event notice has been given) that are used exclusively or primarily for the supply of alcohol, or premises open for such supply under the authorisation of a temporary event notice, if they are not accompanied by an adult and those premises are open for the supply of alcohol for consumption there
- b. It is an offence for any person to allow an unaccompanied child under 16 to be on relevant premises (see above) between the hours of midnight and 5 a.m. when the premises are open for the supply of alcohol for consumption there
- c. It is an offence for any person to supply alcohol to children anywhere, not just on licensed premises
- d. It is an offence for a child to buy or attempt to buy alcohol; and
- e. It is an offence for a child knowingly to consume alcohol on relevant premises (see above)

#### **3. To what types of premises do the provisions in the Act relating to children apply?**

- a. The laws relating to children apply to any premises which means "any place") that are to be used for licensable activities.

#### **4. What types of premises will be restricted to children?**

- a. Under the Act it is unlawful to allow any unaccompanied child under the age of 16 to be present on authorised premises which are exclusively or primarily used for supply and consumption of

- alcohol on the premises. This applies to premises operating under a premises licence, a club premises certificate or a temporary event notice. In effect, this applies to most pubs and bars where restaurant and food facilities are not provided as a permanent feature or attraction.
- b. It is also unlawful to permit children under 16 not accompanied by an adult between midnight and 5 a.m. into any premises supplying alcohol for consumption there. This also relates to all premises operating under a premises licence, a club premises certificate or a temporary event notice. The most obvious examples of these premises would be nightclubs.
  - c. It is for enforcement authorities to decide whether they consider that an offence has been committed.
- 5. Will I be able to have children in the pub under the Licensing Act 2003?**
- a. The Act does not make specific provision about access by children to premises operating under a premises licence, club premises certificate or temporary event notice, except through the creation of certain offences where premises are used primarily or exclusively for the supply and consumption of alcohol on the premises, or where relevant premises are open for such supply and consumption between midnight and 5 a.m. in respect of unaccompanied children under 16. This would apply to most pubs and similar establishments, although it is down to the licensing authority to assess when the rule applies to an individual establishment.
  - b. Some pubs that serve food may feel that the primary purpose of the establishment is not just the supply of alcohol.
- 6. Do the prohibitions on unaccompanied children aged under-16 extend to beer gardens or outside terraces?**
- a. Yes. One of the major changes in the Act is for the first time the licensing laws extend to the whole of the premises rather than just the 'bar area' as was previously the case. Under the old regime, a child as young as 5 could be given alcohol to drink in a beer garden - this is no longer legal. The sale or supply of alcohol anywhere on relevant premises to anyone aged less than 18 years is prohibited and is a prosecutable offence as is the consumption of alcohol by an individual under 18 anywhere on relevant premises. However, an exception is provided for an accompanied individual aged 16 or 17 where the alcohol is beer, wine or cider to be consumed at a table meal.
  - b. Children aged less than 16 have to be accompanied by an adult in establishments which are exclusively or primarily used for the supply of alcohol for consumption on the premises. Most pubs with a beer garden or outside terrace will fall under that description.
- 7. Will children aged fewer than 16 be allowed to buy and consume soft drinks in any premises?**
- a. The purchase and consumption of soft drinks are not licensable activities. However, the offence provisions relating to certain categories of premises may mean that unaccompanied children under 16 may not have access to those premises even to buy and consume soft drinks.
- 8. Will the legal drinking age still be 18?**
- a. Yes. This remains unchanged under the Act. The only exception is that 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. In all other cases, it is illegal for children under 18 to knowingly consume alcohol on relevant premises, or to buy or attempt to buy alcohol. Where the alcohol is consumed by accident, the child will have committed no offence.
  - b. An exception to this law is when a child has been asked to test-purchase alcohol, relevant premises by a police officer or a trading standards officer. In these cases, the child will not be committing an offence.
- 9. Will licensees or members of a club be liable for prosecution for selling alcohol to children if they have genuine reason to believe that a child is over 18?**
- a. The Act provides that where a person is charged with the offence of selling, or a club supplying, alcohol to a child under 18, it is a defence that he believed the individual was 18 or over and

either he had taken all reasonable steps to establish the individual's age, or that nobody could reasonably have suspected that the individual was aged under 18.

- b. The Act defines 'reasonable steps' as asking the individual for evidence of his age and that evidence would have convinced a reasonable person. However, if the steps taken are shown to be inadequate, for example the proof of age is obviously forged or belongs to someone else; this defence will not be applicable.

**10. Does the fourth licensing objective, 'the protection of children from harm' refer only to physical harm?**

- a. 'Harm', for the purpose of the Act, refers to not only physical harm but also to psychological and moral harm, it can be interpreted in the widest possible sense by the licensing authority in response to representations from responsible authorities, such as the police, social services, or local Area Child Protection Committees and interested parties. If there is genuine reason to believe that allowing children to enter certain premises could result in harm of any kind, necessary conditions will be imposed on the licence or certificate that the licensee or club will have to abide by.

**11. How will the changes to the law affect events such as under 18 discos held in nightclubs?**

- a. It is unlawful under the Act to allow unaccompanied children aged less than 16 years into relevant premises between midnight and 5 a.m. where alcohol is supplied for consumption on the premises. In effect, this applies to many nightclubs as they operate longer hours and have alcohol for sale after midnight.
- b. For licensees or clubs to stage under-18 discos, they will have to outline their intentions in their operating schedule, including descriptions of the measures they propose to take to promote the protection of children from harm. In most instances, the presence of an organiser of the event should be satisfactory in ensuring that the children attending the event are accompanied by an adult. In addition, if the premises in question does not serve any alcohol on the night of the event and only sells soft drinks to the under 18s, the rule will not apply.

**12. What does 'accompanied' mean in practical terms?**

- a. Under the terms of the Act, a child is defined as being accompanied by an adult if they are in the company of an individual aged 18 or over. Whether a child aged fewer than 16 is in the company of an adult will be a matter of fact. However, if it is discovered that unaccompanied children under 16 are on premises restricted to them, the licensee or club (and other categories of persons) will be liable for prosecution.
- b. No offence will be committed if the unaccompanied child is on premises solely for the purpose of passing to or from some other place where there is no other convenient means of access.

**13. What restrictions can be placed on a premises licence or club premises certificate relating to children's access?**

- a. The restrictions placed on a licence or certificate will vary according to the individual circumstances of the premises or club and any representations made by responsible authorities and interested parties and in all cases will be subject to the test of being necessary for the promotion of any of the licensing objectives.
- b. Every application for a premises licence or a club premises certificate will include an operating schedule outlining the measures it is proposed to take to promote the protection of children from harm. Where representations are made by a responsible authority or interested party, the licensing authority may place conditions on the licence relating to times, ages of the children, and any other measures they deem to be necessary to protect children.

In the **Secretary of State's Guidance to licensing authorities**, three tiers of suitability are outlined:

1. For premises that have known associations with activities that could be harmful to children, there will be a strong presumption against allowing children to have access at any time.

2. For premises that do not serve alcohol for consumption on the premises but are open later than 10.00pm, there will be a presumption that unaccompanied children under 12 should not be there after that time.
3. For all other premises, there will be the expectation that there will be unrestricted access for children.