

BCA CHILD PROTECTION GUIDANCE NOTES

1.00 INTRODUCTION

The Childrens Act 1989 and more specifically the Protection of Children Act 1999 (PoCA) set out a general duty of care for all adults with respect to children and young persons who have not reached the age of 18 years. BCA itself has specific duties binding upon its trustees, officers and agents and with respect to holders of Caving Instructor Certificates and Local Cave & Mine Leadership Assessments, see 6.01 below. It also has a rather different duty which is to endeavour to provide guidance on what to do, what not to do and upon currently perceived good practice to all of its member caving clubs and other related organisations. It is this latter function that these guidance notes are intended to address. They are issued closely following best current advice from the specialist national organisations/bodies and are reviewed by Council from time to time.

1.01 APPLICATION and RELEVANCE

These notes have been written for the benefit of member organisations, caving/mining clubs, regional caving councils and national specialist bodies for the benefit of their, trustees, officers, workers, agents and individual members. The extent and degree to which they apply, or are applied will depend very much upon the size of the organisation and the scope and nature of its particular activities. A small caving club for instance, which has no involvement with persons under 18 years of age will need to have less concern than a larger organisation with one or more groups who regularly involve persons under 18 years.

1.02 POLICY DOCUMENT REFERENCE

These guidance notes are an expansion of the Association's brief Child Protection Policy document as first approved in 2001, and updated 2012-13, and should be read in conjunction with that document. They were approved by the AGM 06.2013 and are an important adjunct.

1.03 FUTURE TRENDS and UPDATES

The Association intends to maintain contact with the four national organisations mentioned at 1.00 above, especially the CPSU, and looks to these organisations to keep it informed about such matters as new trends in patterns of child abuse and current best practice in dealing with them.

2.00 GENERAL DUTY OF CARE - The Legal Framework and What it Means

2.01 The Protection of Children Act 1999 (POCA) places a broad duty of care upon **all adults** where the abuse of children, or possible abuse of children is concerned. The term "children" for this purpose includes all young persons under the age of 18 years.

2.02 If your organisation is involved in any **regular** activities which involve under 18's in caving or caver training then you are advised to read on and follow the guidance offered here. By **regular** we mean such activities that involve **the same adult or adults** more than two or three times each year.

N.B: the word regular and this definition of it is important here, we are not talking about occasional trips that are arranged by random adult club members from time to time.

2.03 POCA clearly spells out "abuse" as including "sexual", "emotional" and "physical" abuse and also "neglect". Neglect in terms of caving must be taken to include failing to ensure physical safety, adequate/appropriate nutrition and protection against hypothermia, drowning, rock-fall, injury through falling, etc.

2.04 It should be recognised that any adult who is in charge of children may place themselves in a position of special trust whereby abuse in other spheres of a child's life such as the home may be disclosed to them and this must also be handled appropriately.

N.B: most child abuse takes place in or near the home setting and is usually perpetrated by close relatives and/or adults well known to the child.

2.05 Where 'employment' is concerned PoCA makes no distinction between paid, part-time, contract or totally volunteer persons. All are covered by his legislation. In the caving/mining club setting this taken in not only club trustees and officers but additionally all club members who regularly take responsibility for children and young persons, (under 18's), in caver training activities and/or the caving environment under the general auspices of their club.

3.00 SPECIFIC ADVICE RELATED TO TRAINING & ALL CAVING ACTIVITIES - GOOD PRACTICE AT ALL TIMES

In all activities, whether above ground training or within caves and potholes it is considered good practice that there should always be more than one adult present. Where there are a number of children or young persons involved then the ratio of adults to children should be carefully considered bearing in mind the precise nature of the venture being undertaken. Where there is any element of doubt about this advice should be sought from cavers who are more experienced in caving with children, from the appropriate Regional Caving Council or from the BCA.

3.01 THE CAVE ENVIRONMENT

Before planning to take children into caves careful consideration should be given to the factors set out at 2.05 of the Policy Document, (physical & mental maturity, environmental awareness and cave conservation). The trip should then be arranged accordingly, bearing in mind the nature of the cave, the experience of the adults, the physical and mental abilities of the children concerned and the prevailing weather and ground conditions (as appropriate), in preference to such factors as what the adults wish to do.

3.02 SPECIAL RISKS IN CAVING

It is recognised broadly that young persons are considerably more susceptible to such debilitating processes as hypothermia, dehydration, and 'exhaustion-exposure' syndrome than even similarly experienced adults. This is due to a number of inter-related factors such as lack of body fat development and mental determination. With particularly thin individuals the ratio of body surface area to volume will be very high and is a major factor in their heat loss rate. These considerations should always be born in mind when planning caving trips with young people and continuously monitored throughout the duration of the venture. There were four recorded deaths of young persons arising from these sorts of problems in the 1946 to 1989 period in British caving. Improvements in available clothing have greatly reduced this risk in recent years, but such kit is specialised and expensive and may not always be worn by young persons on early trips into caves, see Frankland, 1995.

3.03 WEATHER CONDITIONS

Weather conditions in British Caving can be the most unpredictable factor of all. In some caves it is the rainfall that occurred over the catchment area yesterday, or even earlier that will determine the likelihood of flooding. Where there is a long exposed walk to and/or from the cave entrance this can present the most serious risk of hypothermia in young persons. All of these sorts of factors should be carefully considered before taking children or young persons on a caving venture.

3.04 MENTAL ATTITUDE

Some children may give all outward appearances of being fully competent and comfortable in the caving environment but inwardly be quite the opposite. If a serious request is made for a return to the surface it should be dealt with in all reasonable expedition.

3.05 YOUNG PERSONS WITH SPECIAL NEEDS

The factors spelt out at 2.05 of our Policy cannot be stressed too strongly to any person seriously considering caving for young persons in special needs groups. Established caving clubs who are approached by adults with a view to taking advantage of their caving skills to introduce such groups to the underground environment should not be afraid of saying "no"!

3.06 RESIDENTIAL ACCOMMODATION

Most large caving clubs have their own residential accommodation and/or take part in events involving the use of accommodation owned by other outdoor organisations. Special vigilance should be taken in these circumstances where young persons are involved.

3.07 APPROACHES FROM EXTERNAL ORGANISATIONS

Caving club officers are advised to be cautious about approaches for caving trips and/or caver training schemes from external organisations e.g. Local Authorities, the Armed Services, Youth Clubs and the Police etc.

Whilst they may be seen as sound routes for recruitment of new members, they might also bring with them child protection issues that are an unwanted burden. In any such dialogue the question of the organisation's own written child protection policy and guidance should be asked and it should be understood that such matters are important and should be observed. (See BCA Child Protection Policy document intro. Paragraph.)

3.08 VULNERABLE GROUPS

Since 2006 UK legislation has been added to the Child Protection portfolio to take in so called "vulnerable groups". This extends the previous legislation to cover all adults that are regarded as being of reduced mental or physical capacity. The same common sense approach should be taken with such newcomers/novices as is advocated with children - see 3.01 - 3.08 above.

4.00 SELECTION/RECRUITMENT OF INSTRUCTORS/TRAINERS - CAVING ORGANISATIONS

Caving is mainly a volunteer led activity. Further, most cavers are mainly motivated to explore, to dig, to dive, etc, rather than to lead, to organise, etc. Thus when it comes to finding people to take on such responsibilities as training it is more commonly a matter of persuasion, encouragement and sheer arm-twisting by their peers than one of recruitment or selection.

4.01 GENERAL CAUTION

In these circumstances one can only issue a note of general caution. Beware of those volunteers who appear over-zealous in their willingness to train young people and **never** allow them to get involved in such activities alone.

4.02 SELECTION and RECRUITMENT

In organisations where selection and/or recruitment do become necessary then the clearly tabulated guidelines set out at 2.1 to 2.4 of Law (2000) should be meticulously followed. These involve the whole gambit of Job Specification, Application Forms, referencing procedures and prior consent to investigation.

5.00 ACTIONS FOLLOWING DISCLOSURE - GENERAL NOTE

It is not the responsibility of anyone involved in the sport or science of caving, whether within BCA, a Regional Caving Council or a member club or other affiliated organisation to take responsibility for the resolution of any child abuse matter or to make a judgment of any sort. Such responsibilities rest with the police, the DPP and the courts, acting upon the advice of the designated professionals, Directors of Social Services, the NSPCC and with the co-ordination of such agencies as the police Family Support Unit and the Local Safeguarding Board.

5.01 RESPONSIBILITIES OF ALL ADULTS

It is however the responsibility of all adults to take necessary actions to ensure that the appropriate agencies are made aware of allegations once they have been made. Any person so reporting an allegation of child abuse is advised to retain a written record of their report, together with the date, time and relevant details of the person reported to.

6.00 BCA's OWN REPORTING PROCEDURES

6.01 TRUSTEES, OFFICERS and AGENTS OF THE ASSOCIATION

In the event of an allegation being received with respect to a trustee, officer or agent of the Association this will immediately be passed to the Legal & Insurance Officer, (as the designated person for CP purposes), who will in turn contact one or more members of the Executive. This will then be reported to the appointed person of the relevant Local Safeguarding Board and the relevant local police force for their advice and action.

6.02 CIC and/or LCMLA HOLDERS

In the event of an allegation being received with respect to a current holder of a Cave Instructor Certificate or a Local Cave & Mine Leader Assessment the same procedure (as 5.01) will be followed.

7.00 REPORTING PROCEDURES FOR CLUBS and INDIVIDUALS

7.01 PROTECTION OF ADULTS

Although false allegations against adults tend to be rare they do occasionally occur and due care must be exercised by colleagues at all times when dealing with disclosure.

7.02 GEOGRAPHY and LOCALITY

Because of the regional and local nature of British Caving all allegations should be dealt with locally so far as this is practicable.

7.03 POINTS OF CONTACT

Depending upon the size and nature of your organisation, reporting of allegations should be through the Local Safeguarding Board and a pre-established contact with the Family Support Unit of the local police force, or whatever has been agreed following consultation with these agencies/organisations beforehand as being the most appropriate first step in your particular location and set of circumstances.

7.04 SMALL CLUBS

With small caving clubs whose constitution does not allow membership below the age of 18 years, (not uncommon), there may be no need for any action here at all.

7.05 LARGER CLUBS and ORGANISATIONS

With the larger long-established caving clubs, where second and third generation young cavers might be regular activists and digging and/or exploration sub-groups are regularly at work, or where it is hoped to promote the development of young cavers, then the appointment of a Child Protection Officer, as a designated person is recommended as a sound idea. Our recommendation is that an agreed officer should read the key Primary Guidance Documents listed at 8.01 below and report back to the club's committee of management for a formal decision on how to proceed. Appropriate actions will depend very much on the detailed nature of the particular club, of its membership composition and how it operates.

7.06 SPECIALIST/YOUTH ORGANISATIONS

Organisations specialising in youth activities, whether specifically caving or where the caving is just a part of a wider portfolio of outdoor pursuits, are advised to develop their own procedures and the whole gambit of formalised staff selection procedures and activities related to incident/abuse disclosure. If felt appropriate, this Policy document may be adopted or suitably adapted.

7.07 CONFIDENTIALITY

In all matters related to the recording of personal information and its transmission to others confidentiality should be upheld in line with the Data Protection Act 1998 and the Human Rights Act 2000.

8.00 REFERENCES and RECOMMENDED FURTHER READING

8.01 GENERAL ADVICE/INFORMATION

If you are in doubt or unsure in any way about your responsibilities for Child Protection, or of how your club should act then ask - if in doubt consult! With respect to sporting activities the CPSU is the most appropriate body: Child Protection in Sport Unit, 3 Gilmour Close, Beaumont Leys, Leicester LE4 1EZ tel: 0116-234-7200 More generally the NSPCC might be most appropriate: their helpline is: 0800-800-500 and both have useful websites: www.sportprotects.org.uk and www.nspcc.org.uk

8.02 PRIMARY GUIDANCE DOCUMENTS

Dept.of Health. PROTECTION OF CHILDREN ACT 1999 - A Practical Guide to the Act for all Organisations Working with Children.

www.doh.gov.uk/scg/childprotect.

Law, Sue, 2001: Child Protection, Policy & Implementation Procedures - guidelines for governing bodies of sport and local authorities April 2001 Coachwise Ltd, Leeds, 46pp. (Available from Coachwise, Units 2/3 Chelsea Close, off Amberley Road, Armley, Leeds LS12 4HW.)

NSPCC, 1998 PROTECTING CHILDREN - a guide for sportspeople. ISBN 0-947850-50-3: 96pp: £6.99.

Sport England. SAFEGUARDING THE WELFARE OF CHILDREN IN SPORT - Towards a Standard for Sport in England: July 2001: 28pp.

The Child Protection in Sport Unit Developing a Child Protection Policy <http://www.thecpsu.org.uk>

8.03 OTHER READING

Avon and Somerset Constabulary (1999) CHILD-SAFE: Protecting Young People in Sport and Organised Groups. Tel: 0800-389-7695.
Childcare (Northern Ireland) OUR DUTY TO CARE: principles of good practice for the protection of children: Available from Childcare: tel: 01232-234499.
Frankland, J, 1995: Accidents to Cavers: in Judson, D, (ed.) Caving Practice and Equipment, : BCRA & Cordee, Leicester: 295pp.
Home Office (1999) CARING FOR YOUNG PEOPLE AND THE VULNERABLE? Guidance for Preventing the Abuse of Trust. Home Office Sentencing and Offences Unit: tel: 020-7273-2985.

8.04 RELEVANT UK LEGISLATION

- Childrens Act 1989.
- Human Rights Act 1998 - particularly affects 'authorities' (BCA being "The UK authority" on caving!)
- Disability Discrimination (Meaning of Disability) Regulations: SI 1455: 1996.
- Protection of Children Act 1999 - A substantive Act for the protection of children/young persons, with residential care at its core.
- Disability Discrimination Act 2005 - considerably amends and updates the 1995 DD Act.

The foregoing forms the main base of CP legislation across the UK, but has been widened to take in vulnerable adults by the following:

** Safeguarding Vulnerable Groups Act 2006 - mostly concerned with barring and vetting, whilst bringing in responsibility for all persons that can be regarded as more than averagely vulnerable.

- ** Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.
- ** Protection of Vulnerable Groups (Scotland) Act 2007.

** These now form the main current legislation relating to vulnerable persons.