

**Date :** 17 March 2016  
**Subject :** Safeguarding in Leisure Facilities and Libraries

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## **1 Purpose**

This report provides Stockton LSCB with an update on two pieces of work initiated by the Board relating to safeguarding matters in libraries and culture settings. The first concerned the impact of the LSCB's recommendation to Stockton Council regarding the age cut-off for children unaccompanied in culture and leisure settings, the second relates to disclosures and procedures intended to allow staff within libraries to respond to the potential risk posed by individual registered sex offenders using the service.

## **2 Recommendation**

2.1 Board members are asked to note the progress on the two areas of work.

## **3 Detail**

### **Unaccompanied Children age cut-off**

- 3.1 In 2012, SLSCB considered the safeguarding risks associated with unaccompanied young people using public facilities, particularly where those facilities combine structured, supervised activity for children with unsupervised public areas and open activities. Noting the particular risks associated with public toilets and changing rooms in leisure centres, LSCB sought input from Tees Active about their policies and procedures for unaccompanied children. TAL demonstrated their own strong and relevant safeguarding policy and procedures but highlighted an absence of clear industry guidance on age thresholds. Typically age 8 is the threshold applied in commercial and public sector leisure centres. This is thought to derive from historic guidance produced by the Royal Life Saving Society relating to safety in swimming pools and the age of 8 as one at which a child may be considered able to learn to swim under instruction without being accompanied in the water. The age 8 default appears to have then been applied more widely.
- 3.2 SLSCB found an absence of relevant guidance on the age of accompaniment in the wider leisure setting, or guidance on wider safeguarding matters within the leisure industry. SBC asked Sport England to support efforts to address this issue and Sport England in turn asked the National Society for the Prevention of Cruelty to Children, Protection of Children in Sport Unit (NSPCC CPSU) to provide input.
- 3.3 At the time of this review, in the absence of a compelling rationale for the existing age cut-off being applied in local leisure and library settings, LSCB recommended to SBC that they raised the age threshold to 10 years. SBC applied this revised threshold and continued to work with the NSPCC to address the gap in national leisure industry awareness and policy guidance.
- 3.4 Subsequently, SBC officers have worked with the NSPCC CPSU and brought together representatives of the leisure sector to review safeguarding procedures and explore the age cut-off issue. Over a period of 2 years the key commercial leisure facility management companies have come together and collectively applied pressure to get the relevant industry governing body, the Chartered Institute for the Management of Sport and Physical Activity (CIMPSA), to take an active lead role in relation to safeguarding.

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A number of programmes have delivered training across the major facility management company staff cohorts. Although initially reluctant, in December 2015 CIMPSA agreed to facilitate and chair an ongoing body picking up safeguarding issues for the leisure sector. NSPCC CPSU continues to provide support to this group and the major companies including UK Active, Sporta, Fit for Sport, and David Lloyd, are engaged members producing, reviewing and updating guidance for safeguarding in their settings. Their scope has encompassed matters such as changing room photography and lifeguard DBS checks. NSPCC have produced further guidance on procedures and also commissioned a short paper by a child psychologist addressing the issue of unaccompanied age cut-offs.

- 3.5 The paper by Dr V Lovett, Swansea University understandably stops short of declaring any one age safer than any other, noting that all children are different and mature at different rates. NSPCC CPSU have published an information sheet based on the Lovett paper which includes (inter alia) the following;

*Children younger than 10 see rules as:*

- *being 'put in place' by authority figures (adults, police, teachers, parents etc)*
- *being unalterable and therefore should not be broken no matter the situation.*

*Their main fear for breaking these rules relates to the punishment and personal consequences for doing so. This implies that children prior to 10 could be manipulated by fear of punishment, but also by anyone they view as an authority figure.*

*From the age of 10, children begin to understand that rules:*

- *are more guidelines that have been socially agreed and that right and wrong is not simply black and white*
- *are in place to help the group, and to stop potential harm happening to others.*
- *can be changed with mutual consent from the group.*

*From the age of 10, children are able to evaluate whether an action is moral/appropriate based on the intention of the individual and not the consequence or outcome (unlike younger children). Therefore at 10 years of age there is a big shift in how children interpret others' behaviours and what they believe is right and wrong. This is a big jump in reasoning and judgement.*

*In England and Wales, the age of criminal responsibility is 10 years old, as this is when the law considers that children have reached an awareness of right from wrong.*

- 3.6 In Stockton we continue to require children below the age of 10 years to be accompanied in libraries, leisure centres and other settings. Every effort has been made to encourage parents to attend with children but there has been a measurable reduction in junior attenders since the change of threshold. Within Tees Active facilities this has resulted in 5% reduction in junior visits.

- 3.7 The work triggered by Stockton Local Safeguarding Children Board has had a national impact and given rise to training and guidance that strengthens safeguarding approaches in the leisure sector. LSCB are invited to note the impacts of this piece of work.

### 3.8 **Disclosures in Libraries**

In January 2015 SBC officers shared a concern within the LSCB that current disclosure procedures within libraries make staff aware of the risks posed by individual Registered Sex Offenders (RSOs) but do not give those officers the tools with which to mitigate the risk.

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Accepting the rights of the RSO and the terms under which the MAPPA operates, SBC officers questioned whether there was value in disclosures to Library staff who were not allowed to keep a record of the RSO profile or a photograph of the individual.

3.9 Consideration was also given to the potential legal challenge to the Authority if it were to attempt to exclude an individual from accessing services, as a blanket measure aimed at protecting service users where it is not practicable to supervise or monitor an offender who has been subject to a disclosure.

3.10 Furthermore there was concern that the impression taken by the Offender Management or Probation staff that they had, through disclosure, made sure someone else was responsible for the safety of the public would be a false sense of security. We also noted the duty of care to SBC staff in this matter and the pressure staff experience as a consequence of being made aware of a risk which they are not then authorised to respond to.

3.11 The SLSCB Chair wrote to a number of agencies to establish if others had raised the same concern or if determinations by the Courts had provided any precedent. The response was very limited and provided no greater clarity.

3.12 Cleveland Police Sex Offender Management Unit initiated a piece of work to look at this situation, bringing relevant agencies together including TEWV NHS, Catalyst, SBC, MBC, and the MAPPA Coordinator. The group has been chaired by DI Kath Barber and has the following aims:

- a. To highlight the factors that should be considered when making a decision on disclosure to community facilities (to include but not be limited to public libraries, swimming pools, gyms, cinemas and public parks).
- b. To review practice in other Police/Local Authority areas.
- c. To produce guidance on how disclosure should be conducted where it is felt to be justified and proportionate.
- d. To provide recommendations on the leaving of photographs or otherwise, to include information security and review procedures.
- e. To consider the effectiveness of disclosure, balanced against the mitigation of harm through general safeguarding awareness in public facilities.
- f. To consider alternatives to Police/Probation led disclosure to mitigate risk within the MAPPA Guidance/Constraints of the organisation.

3.13 The work of the group is ongoing but a number of options for improvement have already been recognised. Critically the language relating to the process of disclosure has begun to change from one of

- 'disclosure to allow the setting to ensure the safety of the users'
- 'disclosure to allow staff in the setting to support police and relevant agencies to ensure the safety of the users'.

- 3.14 On the substantive matter of the risk assessment by the MAPPA and CPPPU, it has been possible to develop a Premises Risk Form template within which library and other facility managers can provide information about the characteristics of an individual site and its users that will help MAPPA judge the appropriate measures. For example, the risk assessors will benefit from knowing if a library branch is connected to a children's centre or a swimming pool, or is a meeting point for a particular vulnerable group.
- 3.15 Options for the safe storage and restricted dissemination of information about the offender are being explored, including encrypted access web information and paper systems.
- 3.16 The discussions so far have been very useful in promoting a wider understanding of the perspectives of the agencies involved. DCI Barber has retired and leadership of the group has been transferred to DI Daryll Tomlinson. SBC officers would like to formally thank DCI Barber for her commitment and effectiveness on this piece of work.
- 3.17 It is suggested that this positive progress be noted and conclusions of the work are reported to the SLSCB for information at the appropriate time.

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**Financial Implications :**

Not applicable

**Voice of the Child :**

Not applicable