

GUIDANCE FOR ACCOMMODATION PROVIDERS



Local Safeguarding Children Board

*Safeguarding children and young people
is everybody's business.*

Purpose of Guidance

The Children Act 2004 sets out very clearly the need for a wide range of agencies to work together to promote well-being and safeguard children and young people. It introduces the concept of '*safeguarding being everyone's business*'.

It is important that all adults who have contact with children and young people understand that the nature of their work, and the responsibilities related to it, places them in a position of trust. This guidance provides clear advice on appropriate and safe behaviours for all adults having regular contact with children and young people in all settings and in all contexts.

The guidance aims to:

- Keep children and young people safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- Assist adults who have contact with children and young people to work safely and responsibly and to monitor their own standards and practice;
- Support employers in setting clear expectations of behaviour and/or codes of conduct relevant to the services they provide;
- Support employers in giving a clear message that unlawful or unsafe behaviour is not acceptable;
- Support safer recruitment practice.

Duty to investigate:

Where a child or young person is suspected to be suffering, or likely to suffer, significant harm, the Local Authority is required by Section 47 of the Children Act 1989 to make enquiries, to enable it to decide whether it should take any action to safeguard and promote the welfare of the child/young person.

Under Section 47 other Agencies, primarily Police, are required to assist Local Authorities in carrying out enquiries.

Duty of Care

Under the Children Act 1989 and the Children Act 2004 all adults who come into contact with children and young people in their work have a duty of care to safeguard and promote their welfare. The duty rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person included in any activity, or interaction for which that individual is responsible. Any person in charge of or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

This means that adults should always act, and be seen to act, in the best interests of the child or young person.

Employers also have a duty of care towards their employees, both paid and unpaid, under the Health and Safety at Work Act 1974 and the Human Rights Act 1998.

The Health and Safety Act 1974 also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings.

An employer's duty of care and the adult's duty of care towards children and young people should not conflict.

Please note that individuals up to the age of 18 are considered to be children in law

The holiday "mood"

There is no question that people somehow let their guard down when on holiday unless specifically directed to do otherwise. People go on holiday to relax and to escape everyday life and herein lays their vulnerability.

As has been sadly proven, however, the holiday environment cannot be considered more secure than any other environment. All providers of accommodation need to ensure that they take all reasonable steps to protect the safety of children and young people on their premises.

Safer Employment

All accommodation providers should have effective recruitment and human resources procedures, including checking all new staff and volunteers to make sure they are safe to work with children and young people. Employers should ensure that they:

- Oversee safeguarding arrangements
- Adopt a safeguarding children policy
- Review recruitment procedures

Accommodation providers should note that insurance companies are continuing to retreat from covering claims involving child abuse, especially where businesses have scant arrangements in place.

Recruitment

In order to protect their young customers and their business, accommodation providers **must** have appropriate recruitment processes. Regardless of their position and nature of their contract (e.g. full-time, part-time, temporary, casual), safeguards should be put into place to ensure that **ALL** employees who may come into unsupervised contact with young people on-site are suitable for the post.

It is important to remember that some people who want to access young people for the wrong reasons may apply for ancillary jobs such as maintenance, as they know the levels of checks will be naturally lower. It should also be noted that where individuals cannot be officially cautioned or convicted, but are nevertheless considered a danger, they should not be considered suitable for posts where unsupervised contact with young people may occur.

Accommodation providers should also note that if there is additional, background police information about an individual, these details will **only** show up via an **enhanced** Criminal Records Bureau (CRB) check.

CRB checks

Accommodation providers should carry out CRB checks on potential members of staff who will have unsupervised contact with children or young people.

There are two types of CRB checks available: a standard check costs £31 and an enhanced check, which is recommended, costs £36. Administration fees will also apply. Further advice can be obtained from the address below:

www.criminalrecordsbureau.co.uk/

Disclosures

Where a CRB check is not a legal requirement, but employees still have an opportunity to have unsupervised contact with children (which could apply to almost any employee within the Accommodation Provider), they should be asked to sign a disclosure before their employment commences. By ensuring that disclosures are signed, providers will be fulfilling their **common law 'duty of care'** and will also be covered legally should it be discovered that the employee has given false information. Under such circumstances the employee can be dismissed without any fear of recrimination and of course their details should be passed to the police.

The disclosure should detail the name, date of birth and address of the employee. They should then sign a basic declaration as follows:

'I have no previous criminal convictions, "spent" or otherwise; and I have no pending court cases relating to offences against children and young people. I know of no reason why I should not work with children and young people.'

Do you know who has 'parental responsibility' (Children Act 1989)?

- Parental responsibility embodies the idea that parents must behave dutifully towards their children and that responsibility for child care belongs to parents and not to the state.
- Parental responsibility exists in respect of a 'child', that is, a person under the age of 18.
- Those with parental responsibility can delegate to one or more people acting on their behalf.
- Anyone who cares for a child is obliged not to assault, ill-treat, neglect, abandon or expose the child in a manner likely to cause unnecessary suffering or injury to health.

If you do not have the details of who has parental responsibility for a young person under the age of 18 years you place yourself in a vulnerable position.

Personal Care & Facilities

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any other form of personal care.

This means that adults should:

- Avoid any physical contact when young people are in a state of undress;
- Avoid any visually intrusive behaviour;
- Where there are changing rooms, announce their intention of entering.

Accommodation Providers should not:

- **Change in the same place as young people;**
- **Shower or bathe with young people;**
- **Assist with any personal care which a young person can undertake by themselves.**

Booking Arrangements

Anyone under the age of 18 does not have the same legal capacity as an adult to enter into a contract, such as making a room booking.

If you are approached to take a booking for a young person under the age of 18 years you need to ask yourself the following questions:

- Who is making the booking? Is the booking on behalf of someone else?
- Who is paying and how?
- Have you been provided with contact details for the adult who has parental responsibility for the young person?
- Has the person with parental responsibility provided consent for medical attention or confirms the young person is 'Gillick competent' to agree their own medical attention?
- Has the person with parental responsibility for the young person provided information on any medical condition i.e. Allergies?
- Where a young person is under 16 years has the person with parental responsibility provided details of the adult who will be responsible for their child whilst they are staying with you?

Under the Children Act 1989 you are specifically required to:

Make arrangements so that young people under the age of 18 years are not placed in a room with adults unless you have parental consent

and

Make arrangements for young people under the age of 18 years to have same sex sleeping accommodation

The person with parental responsibility for the young person must be available for collecting the young person should it be deemed necessary to ask the young person to leave the accommodation.

Cornwall Fire and Rescue Service Fire Safety Guidelines for Accommodation Providers

Carry out a 'suitable and sufficient' Fire Risk Assessment (FRA) and record the significant findings under The Fire Safety Order 2005 – (there is a maximum fine of £5000 for each non compliant article [or two years in prison](#)).

The National Guidance Document is called; 'Fire Safety Risk Assessment; Sleeping Accommodation'. It costs £12 (ISBN-13:978 1 85112 8181) or free download from:

www.communities.gov.uk/fire/firesafety/firesafetylaw .

Any deviation from the guidance needs to be addressed within the Fire Risk Assessment (FRA).

The following matters need to be considered:

- Install an automatic fire detection system (BS5839 part1 L2 standard) with smoke detectors and fire alarm sounders in the bedrooms and escape routes linked to manual break glass call points.
- Where the provision of bunk beds has created a high occupancy level, this must be specifically addressed within the FRA - High occupancy premises may be considered as being at higher risk and the Fire Authority may challenge the excess occupancy levels and restrict the use of the premises (or parts of) accordingly.

Cornwall Fire and Rescue Service Fire Safety Guidelines for Accommodation Providers

- Emergency lighting must be provided to BS5226 part 1 in the escape routes.
- FD30S doors to bedrooms with locks which are opened from inside without the use of a key must be installed.
- Storage rooms onto the escape corridor should be FD30S and kept locked shut when not in use.
- The escape routes should be 'sterile' areas and maintained clear of obstruction and combustible items at all times.
- A minimum 750mm escape width must be maintained along the entire escape route and within the bedrooms.
- The Fire Exits must be properly signed with directional signage to BS5499.
- All final exit doors must be opened from inside without the use of a key and open in the direction of escape.
- Number of fire exits and maximum travel distance; (for 'normal' risk premises this is a maximum distance of 18 metres from the furthest point within the bedroom to the final exit when there is a single exit.)
- *Dependent on the occupancy and condition of the property the Fire Service may consider the risk as 'high' and this would reduce the maximum travel distance to 9 metres.*
- Fire Safety Management – you should ensure the availability of on site staff at all times to ensure the emergency plan is implemented.
- Evidence of Staff training in evacuation procedures.
- Information and Fire Action Notices must be provided in the bedrooms
- Fire extinguishers should be provided in the escape routes.
- Mains electrical certification, Portable Appliance Testing and Gas certification.
- External escape routes should be protected along their full length with fire resistant construction (1.8 metres either side & 9 metres below).

Health and Well-being

The need to seek medical advice can occur at any time. Providers of accommodation should ensure that young persons are aware of essential health facilities within the Newquay area. Each provider of accommodation should be able to direct a young person to the service they require with knowledge of the service's operational hours.

All health staff are trained in matters relating to young people's health and welfare. They are aware of their duty to safeguarding and protect and, where required, work with other providers to ensure positive outcomes.

Health Services in the Newquay Area

Sexual Health Clinics

Sexual Health Clinic at Newquay Hospital, St.Thomas Road, Newquay

Tel: 01637 893600

Opening Hours: Drop-in every Tuesday morning 10am – 12noon.

Brooke Sexual Health Clinic (in the bungalow next to Newquay Hospital)

This clinic caters for 25 year olds and under.

Opening Hours: Every Wednesday 3.30pm–6pm and Saturdays 11am–1.30pm

Morning After Pill obtainable from:

GP surgeries, Newquay Hospital Minor Injury Unit (MIU) and Chemists.

Newquay GP Surgeries

Narrowcliff Surgery, Narrowcliff, Newquay. Tel: 08444 773307

Health Centre, St Thomas Road, Newquay. Tel: 01637 872956

Dalton House Surgery, Edgumbe Avenue, Newquay. Tel: 01637 873209

Hospitals

Newquay Hospital, St. Thomas Road, Newquay Tel: 01637 893600

Opening Hours: For Minor Injury Unit (MIU) 8am–10pm daily, plus 24 hours for 5 weeks in height of summer.

Royal Cornwall Hospital (Treliske), Truro

Cornwall Acute Hospital with Emergency Department (ED) Tel: 01872 250000

Opening Hours: 24 hours.

Chemists

Boots, 15 Bank Street, Newquay. Tel: 01637 872014

Drury's, 1 Chester Road, Newquay. Tel: 01637 872589

Kayes, 6 East Street, Newquay. Tel: 01637 870011.

Emergency Dental Helpline

Tel: 01872 354375

Streetsafe Porta Cabin

If a young person is lost, worse for wear, injured, abandoned, or in need of any help, they can make their way to the '**Streetsafe Porta Cabin**'. The Streetsafe (Newquay) project will operate over the late May Bank Holiday (28/5 to 30/5) and each Friday and Saturday from 2/7 to 4/9. Door staff at pubs and clubs can provide directions or request Streetsafe staff attend a specific location to collect individuals. The Porta Cabin will be open during the day from June to September to provide support to young people from a range of agencies.

Alcohol and Young People: The Law

Children under 16 are not allowed into Licensed Premises unless accompanied by an individual aged 18 or over. If your property has a Licensed Bar, you will need to make sure that your accommodation does not have the same conditions as the Bar, or unaccompanied children under 16 may not be legally allowed to stay.

If your premises has a Licensed Bar, and the conditions cover the whole property, it is an offence for an individual under the age of 18 to purchase or consume alcohol in licensed premises. There is, however, an exception to drinking alcohol for an accompanied individual aged 16 or 17 where the alcohol is beer, wine or cider and they are having a table meal.

Otherwise It is illegal to buy alcohol for under 18 year olds, or to purchase alcohol and then re-sell it to them.

No staff, under 18, are allowed to sell or supply alcohol. The responsible person approving a sale must be satisfied that the purchaser is over 18. 'Responsible person' means the premises licence holder, the designated premises supervisor, or someone over 18 authorised by the holder or supervisor to make such approvals.

Safeguarding and Child Protection Policies & Procedures

Employers should be familiar with, and know how to access local safeguarding and child protection policy and procedures which can be found at:

**Cornwall & Isles of Scilly Local Safeguarding Children Board
website**

www.safechildren-cios.co.uk

**South West Child Protection and Safeguarding Procedures
website**

www.swcpp.org.uk