

# Licensing Act 2003

## Guidance for Licensed Premises

### SAFEGUARDING CHILDREN

#### Context

The protection of children from harm is a national licensing objective. The term 'children' refers to all babies, children and teenagers i.e. from birth until their 18th birthday. The words 'child protection' is included in the term safeguarding children.

This safeguarding children guidance is for all staff (paid or unpaid) involved in premises which have been licensed under The Licensing Act 2003. This guidance will give some basic information about what to do if you are concerned about a child and how your local children's services and police team will respond to and deal with reports about children whose welfare is causing concern. This guidance should be read in conjunction with the Licensing Act 2003.

#### Guidance Responsibility

This guidance has been drawn up by the Torbay Safeguarding Children Board (TSCB). Responsibility for revising the guidance rests with the TSCB and your feedback on guidance implementation would be welcomed.

#### Government Guidance

The Government position is that everyone working in an environment where there may be children present should safeguard and promote the wellbeing of children.

All adults (owner/license holders, staff and the wider community) must follow the Government Guidance published by the Department of Health (2002) "What To Do If You're Worried A Child is Being Abused". The guidance describes the national framework within which local agencies and professionals should work and take action where there are concerns about the welfare of a child.

Copies of this publication can be accessed via the TSCB website at [www.torbay.gov.uk/tscb](http://www.torbay.gov.uk/tscb)

Advice can also be obtained from:

Children's Services (daytime) . . . . . 01803 208100  
Emergency out of hours . . . . . 01803 524519  
Police . . . . . 101

#### Training and Competence

All owners/licence holders and their staff should have a basic awareness of child protection issues. This includes:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Knowing who in the organisation to raise your concerns with.
- Being competent in taking the appropriate immediate or emergency action.
- Knowing how to make a referral to Children's Services and/or the Police.

The licensee is responsible for ensuring that they and their staff are familiar with, and competent in following both this Safeguarding Guidance and the Government Guidance.

#### Basic Principles

- 1) If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with Children's Services at the earliest possible opportunity.

These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.

- 2) In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

#### Protection for All

All children must be safeguarded from harm and exploitation whatever their:

- Race, religion, first language or ethnicity.
- Gender or sexuality.
- Age.

- Health, ill-health or disability.
- Location or placement (e.g. living alone in a hostel or residential unit, with their family or a foster family, as a tourist in an hotel etc).
- Criminal or offensive behaviour.
- Wealth or lack of it.
- Political or immigration status.

## DEFINITION OF CHILD ABUSE AND NEGLECT

### Context

All the agencies in Torbay who work with children use a single set of multi-agency procedures when working to safeguard children - these are the South West Child Protection Procedures.

This section closely reflects the South West Child Protection Procedures

(See the South West Child Protection Procedures Website: [www.swcpp.org.uk](http://www.swcpp.org.uk))

### Child Abuse and Neglect

'Child abuse and neglect' is a generic term encompassing all maltreatment of children. Children may be abused or neglected through the infliction of harm, or through the failure of the adults around them to act to prevent harm.

The term 'child abuse and neglect' therefore includes the impact on children from serious physical and sexual assaults through to situations where the standard of care for the child from their parent or carer does not adequately support the child's health or development.

Abuse and neglect can occur in a family or an institutional or community setting. The perpetrator of abuse may or may not be known to the child.

There are four broad categories of abuse which are used by professionals working in child protection. These are: neglect, physical abuse, sexual abuse and emotional abuse. These categories overlap and an abused child usually suffers more than one type of abuse.

### Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

### Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may

involve conveying to children that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.

It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

### Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

The fact that it is abusive to children to allow or coerce them into witnessing acts of a sexual nature between adults may be particularly relevant where children are exposed to adult focussed activities such as premises where sexual themes are prevalent.

### Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment).
- Protect a child from physical and emotional harm or danger.
- Ensure adequate supervision (including the use of inadequate care-givers).
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs. This includes children or young people being present – with or without their parents - at venues unsuitable for their age e.g. venues with 'adult only' activities such as:

- Events of a sexual nature.
- Where there are convictions of current members of staff for serving alcohol to minors.
- Premises where gambling is the main activity.
- Premises where the supply of alcohol is the main activity.

Children need to be protected even when it appears that they are not aware that the physical abuse, sexual activity they are involved in or witness, or the neglect they experience, is harmful to them.

## **CHILD PROTECTION PROCEDURES TO BE FOLLOWED BY OWNER / LICENSE HOLDERS AND THEIR STAFF**

### **Action to be Taken**

Local authority children's services, the police (and the children's charity NSPCC) are the only agencies which have a legal obligation to investigate child abuse.

If you suspect that a child under the age of eighteen years or an unborn baby is

- experiencing or already has, experienced abuse or neglect; and/or is
- likely to suffer significant harm in the future

You must talk to your nominated safeguarding children person and make a referral to your local Children's Services and your local Police.

### **Who to Contact**

Children's Services (daytime) . . . . . 01803 208100  
Emergency out of hours . . . . . 01803 524519  
Police . . . . . 101

### **What Children's Services and the Police will want to know**

When you contact the Duty Officer you should provide the following details:

- Your name.
- Your address and a telephone number at which you can be contacted in case they require other information.
- The child or young person's name and any other

details, if known (parent's name, address, school etc).

- Relevant information about the circumstances of your concerns – what you see, hear or suspect to be happening about an individual child and young person.
- Concerns relating to activities you see, hear or suspect to be happening about the premises or linked to the premises e.g. if you suspect that a member of staff is selling alcohol to young people who are underage or you believe that children are at risk of sexual exploitation (prostitution or internet pornography). You may not have all the details about a child or young person, or the activity but you should still refer.

You will be expected to put in writing within 48 hours the information which you have given verbally (telephone or face-to-face).

Children's services and the police should tell you how to respond to the situation in a way that supports their plan of action.

### **Nominated Safeguarding Children Person**

Recommended best practice is for the owner/license holder to nominate themselves or a senior staff member to have the following responsibilities\*, in relation to safeguarding children for the licensed premises, to:

- Arrange safeguarding children training for all staff.
- Monitor and report on whether all staff have received the minimum (initial and refresher) safeguarding children training.
- Ensure that all staff have read and know where to find this policy and the Government Guidance: "What To Do If You're Worried a Child is Being Abused" (See 1.3 on page 1).
- Ensure that an up-to-date Safeguarding Children Procedures Poster is displayed for all staff at all times (See last page of this Policy).
- Provide advice and support to staff when they have a concern about safeguarding a child.
- Record all concerns raised by staff.
- Be the contact person for the local Children's Services and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises.

\* This list is not exhaustive

All staff should know that they can call their local children's services and the police if the person they suspect is senior to them in the licensed premises staff hierarchy.

These premises are licensed in accordance with the Licensing Act 2003 and as such are in accordance with the national objective of safeguarding children.

This establishment has a Safeguarding Children Policy which each member of staff should consult and familiarise themselves with.

**If you are concerned about the welfare of any child or suspect that a child/children are being abused in connection with your establishment do not keep these concerns to yourself.**

Discuss them with your nominated safeguarding children person, Torbay Council's Children's Services and the Police.

**USEFUL CONTACTS:**

Children's Services (daytime) . . . . .	01803 208100
Emergency out of hours . . . . .	01803 524519
Police . . . . .	101

Keeping children safe is everyone's responsibility