



**Safeguarding  
Children Board**

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

# **GUIDANCE FOR ACCOMMODATION PROVIDERS May 2016**

**NEWQUAY SAFE**  
**BE RESPONSIBLE / BE SAFE**

**Full details of safeguarding and child protection policies & procedures can be found at**

**Cornwall & Isles of Scilly Local Safeguarding Children Board**  
[www.safechildren-cios.co.uk](http://www.safechildren-cios.co.uk)

**South West Child Protection and Safeguarding Procedures**  
[www.proceduresonline.com/swcpp/](http://www.proceduresonline.com/swcpp/)

## **Purpose of Guidance**

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

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

The guidance aims to:

- Clarify which behaviours constitute safe practice and which 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.

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## 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.

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

## The holiday “mood”

People often let their guard down when on holiday as they go on holiday to relax and to escape every-day life but that is when they can be vulnerable as the holiday environment is no 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.

**Ensure that the young person is provided with the name, address and contact details of the accommodation they are staying in. This could be as simple as providing them with a leaflet/business card to carry in their wallet/purse.**

Accommodation providers are responsible for ensuring they have robust safeguarding arrangements in place which are compliant with regulations and legislation to ensure all staff and volunteers are safely recruited and trained to work with children and young people. Employers should ensure that they:

- Adopt a safeguarding children policy
- Monitor and review their safeguarding arrangements
- Undertake safer recruitment practices

## Safer recruitment

Accommodation providers must have fair and thorough safer recruitment practices in place that aim to deter, reject or prevent unsuitable people from working with children or vulnerable adults. This applies to all roles (e.g. full-time, part-time, temporary, casual, volunteer) that may have unsupervised contact with children and young people.

Employers who recruit into roles working with children and/or vulnerable adults should ensure that all the required and relevant safeguarding, recruitment and barring checks have been undertaken for all employees and volunteers. This may include:

- Application forms
- References
- Self-declaration
- DBS and barred list checks
- Qualification and Identity checks
- Eligibility to work in the UK
- Occupational health checks

An Enhanced Disclosure and Barring Service (DBS) check must be sought for all roles in regulated activity working with children and young people. The DBS website provides clear guidance about undertaking criminal record checks: <https://www.gov.uk/dbs> Cornwall Council is an Umbrella Body registered with the DBS to provide Enhanced DBS checks to businesses and organisations external to the Council. Information, advice and guidance relating to safer recruitment and undertaking Enhanced DBS checks can be obtained from the HR Safeguarding Team on 01872 324130 or email [hrrsafeguardingteam@cornwall.gov.uk](mailto:hrrsafeguardingteam@cornwall.gov.uk)

## Signed declarations:

A signed declaration should be included on application forms stating that all information provided is true. A signed declaration about any criminal records should also be included. This ensures applicants are aware that the prospective employer is entitled to the information and gives them an opportunity to flag up information in a confidential way. It is also part of the process of deterring unsuitable people from applying to work with children and young people as it shows that safer recruitment is taken seriously. If an Enhanced DBS check reveals that the successful candidate has deliberately lied about his or her criminal background, it is easier for the employer, the police and/or the regulatory agency to take action against the person.

Safer recruitment is part of a safeguarding culture of ongoing vigilance where safer working practices are used by supported and well-trained staff. Adults working with children and young people must be clear about appropriate and inappropriate practice and are able to raise concerns when these arise.

## 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?
- Has an accommodation booking consent form been completed by those with parental responsibility and returned to you with the booking?
- Do you have other guests who are over 18 staying at the accommodation at the same time as the young people?
- Do you have a responsible adult supervising and available on the premises at all times, particularly during the night time, when you have young people in your accommodation?

**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 to collect the young person should it be necessary to ask the young person to leave the accommodation.**

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**Fire safety guidelines for accommodation providers**

The National Guidance Document is called; 'Fire Safety Risk Assessments; Sleeping Accommodation' and can be downloaded free from:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities>

Good management of fire safety is essential to ensure that fires are unlikely to occur; that if they do occur they are likely to be controlled or contained quickly, effectively and safely; or that, if a fire does occur and grow, everyone in your premises is able to escape to a place of total safety easily and quickly.

**What is the Regulatory Reform (Fire Safety) Order 2005?**

The Order replaces most fire safety legislation with one simple order. It means that any person who has some level of control in premises must take reasonable steps to reduce the risk from fire and make sure people can safely escape if there is a fire. The order applies to virtually all premises and covers nearly every type of building, structure and open space.

The order says that you must manage any fire-risk in your premises. Fire authorities no longer issue fire certificates and those previously in force will have no legal status.

You must carry out a Fire Risk Assessment that will help you ensure that your fire safety procedures, fire prevention measures, and fire precautions (plans, systems and equipment) are all in place and working properly, and the risk assessment should identify any issues that need attention.

**What is a Fire Risk Assessment?**

A fire risk assessment is an organised and methodical look at your premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. The aims of the fire risk assessment are:

- To identify the fire hazards.
- To reduce the risk of those hazards causing harm to as low as reasonably practicable.
- To decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in your premises if a fire does start.

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### **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.

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### **Street drinking in Newquay**

All public places in Newquay are covered by a Designated Public Place Order (DPPO). Public places include streets, pavements, parks, grassed areas and beaches. If the police believe that a person is, has been or intends to consume alcohol in an area covered by a DPPO, they can require the person concerned to surrender the alcohol. This applies to both sealed and unsealed containers. The seized alcohol will be disposed of by the police.

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### **Child Sexual Exploitation (CSE)**

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability'

If you see signs of sexual exploitation, or you feel that something is suspicious, you must take steps to help protect young people by:

- Contacting the police on 999 if a young person appears to be in immediate danger
  - Contact the Multi Agency Referral Unit (MARU) on 0300 123 1116
  - Raising your concerns immediately with managers or other staff who may have specific procedures for child protection
  - Letting customers know your accommodation will not tolerate child sexual exploitation
  - Letting young people know how to get help, e.g. by displaying information about children's helplines or local services
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## Radicalisation and Extremism

Protecting children from the risk of radicalisation and extremism should be seen as part of everybody's wider safeguarding business and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

Radicalisation is the process by which people come to support terrorism and extremism.

Extremism is vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty and mutual respect and tolerance of difference faiths and beliefs.

Specified agencies, including Local Authorities, have specific responsibilities to report concerns of such activities.

If you have a concern that a young person is at risk of radicalisation or extremism, you must take steps to help protect the young person by:

- Contacting the Police on 999 if a young person appears to be in immediate danger or 101
- Contacting the Multi Agency Referral Unit (MARU) on 0300 123 1116

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## Best Practice Guidance for accommodation providers

- Don't have a mixture of over 18 guests at the same time as under 18
- Ensure you have a responsible supervisory adult living on the premises at all times, especially at night, when under 18s are staying.
- No under 16 year olds accepted unless as part of a family.

- Check-in only allowed after confirmed receipt of parental consent form
- No evictions of under- 18 year olds until parents/guardians informed.
- Advise visitors and parents beforehand that alcohol will be confiscated.
- Advise guests to ensure all windows and doors are locked when out and not to leave any valuables unattended.
- Advise guests beforehand that BB guns, air horns, megaphones, knives and any other items/weapons considered offensive are banned. If found in possession of the above they will be confiscated and a disclaimer should be signed allowing their safe disposal. Failure to comply will result in them being asked to leave.
- Advise guests that they are responsible for their accommodation at all times. If they invite people into their accommodation and they cause damage, it will be their responsibility to put matters right.
- The behaviour of any individual member of a group is the responsibility of the group as a whole. If one member's actions are deemed unacceptable then the whole group will be asked to leave.
- Moderate noise will be tolerated up to 11.00pm.
- Use of fake ID will lead to eviction.
- Reserve the right to search accommodation if the use of drugs or alcohol is suspected.
- Anyone found to be providing alcohol to minors will have the alcohol confiscated and will be evicted.

- Publicise the point of contact for First Aid and ask they contact there in the first instant so the problem can be assessed. Calls to 999 should be for emergencies only.
- Advise guests that when they go out they should stay together; make sure they have swapped mobile phone numbers and that they know the name and address of their accommodation. If they get separated, advise them to find a police officer who will direct them to a source of help to get back to their accommodation safely.
- It is recommended that a behaviour bond per person is taken prior to arrival.
- We want everyone to have a great time as long as they don't encroach on the enjoyment of others.