

Beltane Fire Society

Vulnerable Adults and Children Policy



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1. Introduction

The Beltane Fire Society (BFS) recognises that within its diverse population there may be members who are vulnerable at any given time. This Policy represents the commitment of BFS in its obligation to protect children and vulnerable adults who are at risk of harm, abuse, neglect, exploitation or discrimination.

All members of the BFS community have an essential role to play in ensuring that children and vulnerable adults are protected, and BFS is committed to working within the principles of dignity, safety, equality and diversity.

1.1 Scope and aims

It is recognised that members of the BFS community may come into contact with children and vulnerable adults, including: children at BFS family events; volunteers taking part in BFS events; audience members at BFS events; and outreach activities.

This policy applies to all members of the BFS community (including contractors, volunteers, members and visitors or audience members). It provides a framework which aims to:

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- Promote a culture of Safeguarding, 'by protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect'¹;
- Promote a culture in which signs of possible harm, mistreatment or neglect are recognised and appropriately acted upon;
- Provide clarity of procedure for those involved, including reporting concerns, recording and communicating information, data protection and confidentiality;
- Promote positive collaborative working within BFS and with any external agencies involved

1.2 Key principles for implementing this Policy

- **Recognise:** Know what to look for; Recognise the signs and symptoms and listen to concerns; Seek help and discuss early in the course of your concerns.
- **Record:** Keep a clear and up to date record of your concerns
- **Report:** Know where to get help and who to report your concerns to within BFS
- **Refer:** It is the responsibility of the Designated Officer (see clause 4.2) to refer concerns on to the appropriate external agencies

1.3 Other Relevant Legislation, Policies and Procedures

This policy represents an overarching framework and exists alongside other legislation, BFS Policies and Procedures, and legislation including:

- Equality Act, 2010;
- Adults with Incapacity Act, 2000;
- Sexual Offences Act, 2009;
- The Adult Support and Protection Act, 2007;
- The Protection of Vulnerable Groups (Scotland) Act, 2007;
- The Data Protection Act, 1998;
- Health and Safety Policy; Disciplinary Procedure; Grievance Procedure; Equality and Diversity Policy; Harassment and Bullying Policy; Social Media and Internet Usage Policy; and BFS Volunteer Handbook/guidance and policies page.

2. Prevention

BFS is committed to the protection of children and vulnerable adults. As such, the following steps have been taken:

- **Recruitment of organisers/roles of responsibility for others:** All group organisers and volunteers in roles of responsibility for others are subject to a selection process, which includes cross-checking organisational records for any prior upheld disciplinary or grievance outcomes which would impact on suitability for their role.

Core BFS activity (preparations for Beltane and Samhuinn festivals - even when a group is designated as 'family-friendly' and volunteers may bring children to practices - or community or Family Beltane and Samhuinn events, as standard volunteers or group or project organisers) do not include roles which would involve taking full responsibility for children without parents or guardians present. As such, they do not qualify as 'regulated work' and so volunteers and team members would not qualify for membership of the PVG scheme. However, should other work be introduced, and where roles have been identified as positions that are likely to have unaccompanied contact with children or vulnerable adults in the course of their work, BFS will follow the statutory guidance to ensure that, where appropriate, organisers or contractors will join the Protection of Vulnerable Groups Scheme

¹ Safeguarding people, Care Quality Commission.
<http://www.cqc.org.uk/content/safeguarding-people>

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(PVG Scheme) which was introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act)².

- **Proactive policies and procedures:** Any volunteer groups which are run in a way which is explicitly open to those with families and children should be subject to the BFS family-friendly groups, projects and events procedure, as set out in Appendix 6. As set out in the BFS volunteer handbook and volunteer agreement, no one under the age of 18 years may volunteer with BFS. A specific section is included in the agreement that all volunteers must sign which sets out that if volunteers bring their children to any group practice or BFS activity, they are aware that they are responsible for their care and wellbeing, that they will not be left unsupervised or unattended, that they give permission for photos of them to be taken and shared for BFS purposes, and that it is recognised that BFS activities in general are not usually suitable for those under 18.
- **Training:** BFS will take steps to ensure that all organisers are aware of their responsibilities under this policy and where appropriate, will provide relevant training in line with this policy. All BFS volunteers will be provided with information on basic child and vulnerable adult protection, recognition and implementation of the policy. Additionally, a Good Practice Guidance for those in contact with children / vulnerable adults is included in Appendix 1 of this policy.
- **Ongoing communication and review:** Child and vulnerable adult protection will be discussed as appropriate at Board meetings, and will be a fixed item on the agenda in relation to Board Development every 12 months (such as at board induction).

3. Key definitions (please see Appendix 2 for a more comprehensive list of definitions)

3.1 Child

For the purposes of this Policy, children are defined as young people under the age of 18. Scottish Law recognises that despite having full legal capacity at 16, young people under 18 can be vulnerable in certain situations. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing can be viewed as a child, and therefore those over the age of 16 may still require intervention to protect them. The priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection³.

3.2 Vulnerable Adult

It should be noted that a person may have a disability, physical and/or mental health problem and be able to safeguard their wellbeing and interests. It is the whole of an adult's particular circumstances which can combine to make them more vulnerable to harm than others.

Under section 3 of the Adult Support and Protection (Scotland) Act 2007, 'Adults at risk' are defined as "adults over 16 years of age who: Are unable to safeguard their own well-being, property, rights or other interests; Are at risk of harm, and; Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not

² See <https://www.mygov.scot/pvg-scheme/types-of-work-covered-by-pvg/> for definition of 'regulated work' which would require a PVG.

³ 'National Guidance for Child Protection in Scotland, 2010'

<http://www.gov.scot/Publications/2010/12/09134441/3>. Accessed 16.8.16

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so affected”⁴. (Note: BFS does not condone the use of the term “mental disorder” but lists it here as it is a direct quote from the legislation.)

All three elements of the definition must be met, and the presence of a particular condition does not automatically mean an adult is an ‘adult at risk’. For the remainder of this policy, the term ‘Vulnerable Adult’ will be synonymous with ‘Vulnerable Adult at Risk’.

3.3 Harm / Abuse (a full definition of types of harm is provided in Appendix 2)

Under Section 53 of the Adult Support and Protection (Scotland) Act 2007 ‘harm’ includes all harmful conduct and, in particular, includes:

- conduct which causes physical harm
- conduct which causes psychological harm (for example: by causing fear, alarm or distress)
- unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion)
- conduct which causes self-harm.

‘Conduct’ includes neglect and other failures to act, which includes actions which are not planned or deliberate, but have harmful consequences.

4. Responding to Specific Events, Concerns or Allegations

All volunteers, members, organisers and contractors must respond promptly to any concerns regarding potential harm, as covered under this policy. All reports made in good faith will be dealt with fairly. However, BFS recognises the possibility of malicious or vexatious complaints and any complaints identified as such will be treated seriously and may result in disciplinary action being taken against the complainant.

Any member of the BFS community found to have committed any act of abuse or harm toward a child or vulnerable adult will be subject to disciplinary action and that person may also be subject to criminal proceedings.

4.1 Reporting concerns

A ‘Step-by Step- Guide for staff dealing with reported or suspected abuse is included in Appendix 3. In the event that a member of the BFS community has been informed that abuse of a child or vulnerable adult is taking place, it is their responsibility to report this to the Designated Officer (see below). Examples of when a report must be made include when:

- A child or vulnerable adult at risk discloses abuse;
- A person makes an allegation of abuse about a member of the BFS community;
- There are suspicions or indicators that a child or a vulnerable adult at risk is being abused - for example, where there are observable changes in a child or protected adult’s behaviour that may be related to abuse, or the behaviour of any person towards a child or vulnerable adult at risk causes concern, or there is suspicion that a child or protected adult is being harmed

If a member of the community is unsure of whether a matter should be reported, it is their responsibility to discuss their concerns with the Designated Officer/Named Responsible Individual. Guidance on recognising signs of potential abuse or harm is provided in Appendix 5.

4.2 Designated Officer / Named Responsible Individual

⁴ ‘The Adult Support and Protection Act, 2007.

<http://www.gov.scot/resource/doc/1095/0059478.pdf>

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The role of Designated Officer is shared between the Chair of the BFS board (chair@beltane.org), the BFS Board Secretary (board@beltane.org), and the BFS Board Volunteer Coordinator (volunteers@beltane.org) or their deputy / nominated person. Names for those currently in these roles available at <https://beltane.org/board-of-trustees/>.

Liaison between the Designated Officers (including sharing relevant information, as deemed necessary), will occur in order to assess and manage risk, and to obtain a fuller picture of the concerns identified and parties involved.

Current named responsible individual is:

- **Name:** Erin Macdonald
- **Position within organisation:** Chair
- **Telephone:** 07812141377

4.3 Responsibilities of the Designated Officer (primary contact)

Once the matter has been referred to the Designated Officer (primary contact), they or their deputy/nominated person will investigate the matter further. This is likely to include:

- Gathering the details;
- Assessing risk and ensuring that the child/vulnerable adult is not in any immediate danger.

Additionally, they will take any action deemed necessary in the circumstances, such as

- Accessing the emergency services and liaising with other external agencies such as the Police and Social work;
- Liaising with others within BFS, as appropriate;
- Contacting parents or guardian unless this may place the child/vulnerable adult in harm;
- Recording written records of all actions, discussions and decision-making rationale and keeping these in a secure location;
- Acting as the point of contact for any external agency throughout the investigation;
- Referring the matter to be dealt with under the relevant internal procedure, including but not limited to Disciplinary Procedure, Grievance Procedure or Resolution Procedure.

Where appropriate, a referral will also be made to the full BFS board, as outlined at <https://beltane.org/board-of-trustees/>. This may be necessary in order to more fully assess risk and appropriate courses of action at an institutional level.

5. Confidentiality

Any initial disclosure of suspected harm to a member of the BFS community should be treated seriously and with sensitivity. Where concerns exist regarding risk to the welfare of the child / vulnerable adult, the safety of the individual and/or the safety of other members of the community takes precedence, and confidentiality may be breached. Therefore it should be made clear to the disclosing person and the child or vulnerable adult involved, that confidentiality cannot be guaranteed. They should be made aware that relevant information may require to be shared, on a need-to-know basis, within BFS and with external agencies.

Information disclosed will comply with the Data Protection Act, 1998 and in accordance with the BFS data protection policy.

THIS POLICY WAS FORMALLY APPROVED BY THE BFS BOARD ON:	14 AUGUST 2017
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LAST REVIEWED:	14 AUGUST 2017
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Appendix 1 - Good Practice Guidance for those in contact with children and vulnerable adults

It is the responsibility of each member of the BFS community to act professionally and respectfully in their dealings with others. They must ensure that they are aware of the relevant legislation and policies relating to children and vulnerable adults, as outlined within this policy. Additionally, they must attend any relevant training necessary as part of their role.

General points to be aware of when coming into contact with children or vulnerable adults may include (please note, this list is not exhaustive):

- Treat all children and vulnerable adults with fairness, dignity, equality and respect
- Identify the appropriate person within the organisation who you should go to if you have any concerns.
- Be sensitive to children or vulnerable adults' appearance, race, culture, religion and/or belief, sexual orientation, gender or disability
- Respect a child or protected adult's right to privacy
- Always work in an open environment. If you are in a situation where you are alone with a child or vulnerable adult, make sure that others can clearly observe you. Where possible, leave the door open.
- Maintain a safe and professional distance in relationships with children and protected adults.
- You should not share your personal contact details and you should not connect with them over social media except where that is specifically related to BFS activity
- When in a position of trust do not engage in sexual relationships with children and/or vulnerable adults. This is an abuse of a position of trust and a criminal offence.
- Avoid rough, physical or sexually provocative conduct with children or vulnerable adults
- Do not provide children or vulnerable adults with access to alcohol (where that would be unlawful or inappropriate) or banned substances
- Avoid use of inappropriate language (including sexually suggestive comments), and challenge any unacceptable behaviour
- Where appropriate ensure you have written consent before taking photographs or making video or audio recordings
- If you are required to administer first aid ensure, wherever possible, that another responsible community member is present, especially if you are concerned that necessary physical contact may be misconstrued
- Never allow or engage in inappropriate touching. In cases where you are asked to deal with people or children who have a disability and where this may involve lifting etc., please take advice from parents or carers. Where possible parents/carers should take responsibility for young people, particularly in changing rooms or toilets.
- If protection guidelines are being breached you should inform the named person in the organisation whose responsibility it is to enforce. If this does not result in a change of practice, you can contact get advice from Social Work Services.
- Avoid taking children and vulnerable adults alone in car journeys.
- Avoid taking children and vulnerable adults to your home where they would be alone with you.

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Appendix 2 - Further definitions

1. Types of Harm / Abuse

The following are the main types of harm:

- A. Physical Harm - actual or attempted physical injury inflicted non-accidentally to an adult at risk (including spitting, hitting, slapping, pushing, kicking), misuse of medication or drugs (including depriving someone of prescribed or non-prescribed drugs, or giving the person dangerously large amounts of drugs and/or alcohol) and inappropriate restraint or sanctions.
- B. Sexual Harm - including inappropriate intimate contact, rape, sexual assault, sexual acts or human trafficking to which the adult at risk has not consented, could not consent or was pressured into consenting. It should be noted that it is a criminal offence⁵ for someone to have sexual relations with an adult in their care who suffers from what the law terms “mental disorder” (note: BFS does not condone use of this term, but includes it here as reference to terminology used in the law).
- C. Psychological Harm - including emotional harm, threats of abandonment or harm, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- D. Financial or Material Harm - including theft, fraud, exploitation, scams, pressure in connection with wills, property, inheritance, financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- E. Neglect and Acts of Omission - including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, failure to share appropriate information, the withholding of the necessities of life, such as medication, adequate nutrition and heating. This includes self-neglect.
- F. Institutional Harm - repeated instances of poor care or unsatisfactory professional practice.
- G. A forced marriage is a marriage in which one or both parties do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress includes both physical and emotional pressure. It is very different from arranged marriage, where both parties give their full and free consent to the marriage.
- H. Using e-technology and bullying: In addition to the above types of abuse, new technologies, digital media and the internet are an integral part of BFS community members’ lives. This has enabled new forms of social interaction, through social networking websites, for example. These new developments bring a variety of risks, such as: bullying, coercion or intimidation through email and online (cyber-bullying); identity theft and abuse of personal information; exposure to obscene, violent or distressing material; pro-eating disorder, self-harm or suicide sites; and sexual exploitation by online predators – for example, grooming – often through social networking sites.

Any or all of these types of harm may be perpetrated as the result of deliberate intent, negligence or ignorance. This is not an exhaustive list of the types of harm which can affect adults at risk. Harm, mistreatment or neglect may occur as a result of specific incidents. However, concern may grow over

⁵ The Sexual Offences Scotland Act 2009

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a period of time and an accumulation of concerns may prompt a response in line with the contents of this protocol.

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Appendix 3 - Dealing with reported or suspected abuse step-by-step guide

It is important to ensure that any declaration of suspected harm is treated seriously and sensitively. The limits of confidentiality should also be explained, as outlined above. It should also be recognised that a declaration may be made to any member of the BFS community.

If a person presents with a critical situation and is requiring medical treatment, First Aid treatment must be the first step. If an emergency situation arises, any member of staff can call the emergency services. Likewise, if any criminal act is suggested, the Police can be informed, in accordance with the BFS policies and procedures outlined in this Policy.

1. Recognise

All those in contact with children and/ or vulnerable adults must ensure that they are familiar with the potential signs of abuse or harm, as outlined in Appendix 4.

- Listen carefully and respond sensitively without expressing an opinion and without imposing your views and values;
- Do not ask direct and invasive questions. These can prevent the person from telling the full story and can also trigger trauma symptoms;
- Encourage, give lots of time and don't pressurise;
- Be aware that, for various reasons, disclosing such information can be difficult:
 - the person may be low in self-confidence;
 - they may have poor communication skills;
 - they may not expect to be believed;
 - there may be a background of threat or coercion;
 - there may be 'secondary gains' such as presents, power or attention;
 - they may be protecting others, including an abuser or other potential survivors/victims;
 - the experience may have become a normal reality;
- Stay calm and keep listening, without expressing whatever shock or alarm you may personally feel;
- Be honest about needing to tell other people and reassure the person that you and others will try to keep him/her involved in the decision-making process - but do not promise confidentiality, as this may not be possible;
- Under no circumstances should you contact or confront the alleged abuser, even if they are known to you or is a member of BFS.

2. Record

Make a written record of your concerns as soon as possible after the conversation. This record should include the following information:

- Appropriate personal details e.g. name; age; address; If appropriate, telephone number; email address (including name of child or vulnerable adult, and parent, guardian or contact person)
- The nature of the concern
 - What has been told to you, using quotations where possible and being careful to be objective and factual - including the identity of the person who the concern is about
 - Be objective; do not make assumptions; do not include personal opinions and interpretations. You may refer to any signs of abuse
- The source(s) of information about the concern
- Any advice you have given to the child / potentially vulnerable adult

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- What you have discussed with the child, vulnerable adult / person about confidentiality
- Names of organisers or others with whom you have discussed the incident
- Details of the action you have taken or any referrals you have made (internal and external)
- Date and signature of the person making the record
- Has advice been taken or consultation occurred? If so, with details of who, when and where discussion took place.

3. Report

Individual members of the community should never deal with abuse disclosures in isolation and should always refer to the Designated Officer (primary contact) - see section 4.2 for further information. These are the only people who should deal with the case and report suspected abuse to the Social Work Department or the Police.

4. Refer

Once the matter has been referred to the Designated Officer or their deputy/nominated person, it is the responsibility of that person to investigate the matter further and take such further action as is necessary under the circumstances. This may include:

- Assessing risk and ensuring that the child/vulnerable adult is not in any immediate danger. This includes taking any action deemed necessary under the circumstances, such as accessing the emergency services and liaising with other external agencies such as the Police and Social Work, as appropriate
- Gathering the details
- Liaising with others within BFS, as appropriate
- Contacting parents or guardian unless this may place the child/vulnerable adult in harm
- Recording written records of all actions, discussions and decision-making rationale and keep these in a securely locked location
- Acting as the point of contact for any external agency throughout the investigation
- Referring the matter to be dealt with under the relevant internal procedure, including but not limited to Disciplinary Procedure

Useful contacts:

- **Social Care Direct** (part of City of Edinburgh Council social work department) for advice and reporting of harm or suspected harm to vulnerable adults and children.
 - During office hours: 0131 200 2324 or socialcaredirect@edinburgh.gov.uk.
 - Outside office hours, contact the emergency social work team on 0800 731 6969.
- **Police:** 999 in an emergency or 101 if not an emergency
- **Disclosure Scotland:** 0870 609 6006

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Appendix 4 - Recognising potential patterns and signs of harm

Please note that the following information relates to signs of possible harm only. They may not always be indicative of abuse and it is advisable to approach the issue with due care, seeking advice from the Designated Officer as needed.

The clearest expression of harm is a statement by the person themselves. Alongside the trust this person placed in the individual they have reported this to, goes the responsibility to escalate concerns to the Designated Person. However, it is also recognised that suspicions of potential harm may come to light in other ways, which may include the following physical or behavioural signs (this list is not exhaustive):

- Unusual or suspicious injuries;
- Neglected or under nourished appearance;
- Dubious or inconsistent explanations for injuries or bruises;
- Becoming withdrawn, socially isolated and increasingly fearful (e.g. demonstration of fear by the adult at risk to another person or demonstration of fear of going home);
- A prolonged interval between illness/injury and presentation for medical care;
- Difficulty in interviewing the person at risk (e.g. another individual unreasonably insists on being present);
- Anxious or disturbed behaviour on the part of the person at risk;
- Inappropriate sexual awareness

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Appendix 5 - Equality Statement

Beltane Fire Society is fully committed to respect and fair treatment for everyone, eliminating discrimination and actively promoting equality of opportunity and delivering fairness to all. In addition to being compliant with the equality laws; public duties; and Human Rights Acts (Universal and European), BFS also supports diversity and promotes equality of opportunity for all members of the community regardless of their:

- 'Protected Characteristic' (Single Equality Act):
 - Age
 - Disability
 - Gender Reassignment
 - Marriage and Civil partnership
 - Pregnancy and Maternity (including Paternity)
 - Race (colour, ethnic or national background)
 - Religion or Belief (including non-belief)
 - Sex/Gender
 - Sexual Orientation
- Caring responsibilities for a 'Protected Characteristic' including dependants
- Socio-economic background/grouping
- Union activity
- Unrelated spent criminal convictions

The Equality & Diversity Policy outlines further detail and responsibilities on this matter.

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Appendix 6 - BFS Family-friendly groups, projects and events guidance

The guidance should be used whenever a BFS activity will involve children (under 18). This includes but is not limited to:

- Events specifically targeted at those under 18, such as Family Beltane and Family Samhuinn events
- BFS festival groups which describe themselves as 'family-friendly' and permit or encourage volunteers to bring their children to practices or rehearsals if they wish

Planning an activity that will relate to or involve children

Any BFS activity or event involving children must be approved by the BFS board in advance. If you are planning an event or activity, make sure you share information about it for approval with the board giving as much notice as possible, and clearly state the purpose and nature of the activity, how and why children are involved, and the degree to which parents and guardians will be present. You should also complete a risk assessment to highlight potential risks and the ways in which these will be mitigated and responded to.

Ordinarily, any BFS activity that relates to children will only be approved if parents and guardians will be present and responsible for their children at all times. If the activity you are planning would involve someone other than parents/guardians taking responsibility for or caring for a child (ie such as an event where children would be in the care of a workshop leader or other person), this should be made very clear, and you should include detail on how you intend to ensure PVG scheme membership for all those likely to be required for those involved.

No activity to progress the activity should be made until plans are approved by the BFS board.

Ensuring all those involved are fully informed about BFS policy and guidance

All those volunteers or contractors involved in the activity should be made aware of the BFS protection of vulnerable adults and children policy and relevant guidance, including this guidance document. Training should be given to all those organising the activity on relevant elements.

If you are organising the activity, make sure you arrange a session at the outset of any activity to share and discuss the policy and guidance with all other volunteers involved. Everyone must be aware of BFS policy and procedures for preventing, recognising and reporting harm to children, and that they have a responsibility to report any suspected harm.

Ensuring a safe environment

Any activity that will involve children should be in an environment that is safe and appropriate for children. If you are arranging an activity that will involve children (including a group practice or making session for a BFS festival group that is designated as 'family friendly') you must make sure that it is as safe and appropriate as possible. This includes the physical environment, the activity itself, and those people involved. The BFS risk assessment process is a useful tool for this, so you should ensure that any risks specific to the presence of children are included in your risk assessment, along with how you intend to mitigate and respond to them.

If you are promoting an activity that will involve children, always be clear that parents/guardians must be in attendance. Be aware of and ensure you are prepared to see potential indicators or signs that a child is being harmed.

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During activity involving children

Ensure everyone present is aware of and follows the BFS Good Practice Guidance for those in contact with children and vulnerable adults. In particular, ensure that children are always accompanied by their parent or guardian.

Photography

Any activity involving children which has a booking or reservation process must include a process for parents or guardians to provide permission for video and photographs to be taken of their child, such as a tick-box question. For standard BFS festival groups which parents can bring their children to, permission will be provided via signed agreement in the parent's volunteer agreement.

Where no such process is possible, signs must be displayed clearly at the entry to the event or activity to indicate that photos will be taken, and verbal permission must be sought wherever possible. Any photos taken may only be used for BFS activity - images must be sent directly to BFS and then deleted from the camera/phone they were taken on.