

4. Equal Opportunities Policy

April 2006 – March 2009

Statement of Intent

Poetry Can, in all areas of its activities, will aim to treat all people equally.

Poetry Can believes that human beings are characterised by diversity and aims in all its activities to give expression to that diversity.

Poetry Can recognises that people still face discrimination on the grounds (both singularly and in combination) of race, gender, age, disability, sexual orientation, nationality or religion.

Poetry Can is opposed to such discrimination and aims to eliminate discriminatory practice.

This statement will be included on the Poetry Can and Literature South West websites, in all publicity material including job advertisements, and will be displayed at the Poetry Can office so that it is visible to members of the public.

Objectives – 2006 - 2009

- Programme events at Bristol Poetry Festivals specifically targeted at children & young people
- Develop the audience for Poetry Can's activities in the Asian Communities of Bristol and the region
- Develop the audience for Poetry Can's activities in the Black Communities of Bristol and the region
- To increase Board Membership
- To increase Advisory Board membership
- To research funding opportunities in order to further develop the lifelong learning programme and to provide increased admin support
- To develop an Equal Opportunities Training Policy
- Plan a series of Equal Opportunities Training Sessions over next three years as part of EQTP

Implementation procedures and action plan

Poetry Can will:

Work with children and young people / develop younger audiences for poetry

Working with a Black organisation/s: Poetry Festival Events at a venue in the community linked or complimenting lifelong learning projects – see below

Working with an Asian Organisation/s: Poetry Festival Events at a venue in the community linked or complimenting lifelong learning projects – see below

Programme to ensure that the diverse society is reflected in the Can Opener sessions. The organiser to actively liase with diverse groups and individuals locally, regionally and nationally.

Bristol Poetry Festival

OBJECTIVE	ACTION	TIME
Promote equal opportunities and cultural diversity	<p>Programming of Festivals to reflect the diverse nature of society</p> <p>Audience Development: Over the next three years major events presented in partnership with Black and Asian Communities in community based venues and linked to lifelong learning activities.</p> <p>To have audience feedback forms at festival events</p>	<p>Jan-April 2006/07/08</p> <p>Sept:2006/07/08</p>

OBJECTIVE	ACTION	TIME
Work with children and young people / develop younger audiences for poetry	Programme events specifically targeted at children & young people	Bristol Poetry Festival - Sept: 2006 /07 /08

Lifelong Learning

OBJECTIVE	ACTION	TIME
Develop the audience for Poetry Can's activities in the Asian communities of Bristol and the region by organising lifelong learning activities linked to a Bristol Poetry Festival event:	Develop partnerships with Asian organisation/s, or Asian linked organisations, such as Asian Arts, Asian Women Writers Group, Easton Community Centre:	Initially Jan-April 2006 Ongoing 2006/07/08
Both project and poetry festival events should in some way reflect or celebrate the communities in which it seeks to be rooted.	this partnership to organise a lifelong learning project each year that will also be linked or complimented by a Poetry Festival Event in Easton in each of the following three years.	2006/07/08
	At least one event at Bristol Poetry Festival	Sept 2006/07/08
The projects and poetry festival events should be Asian led in association or partnership with Poetry Can.	Organise on-going evaluation – with at least three meetings of partnership each year	2006/07/08
	Promote the lifelong learning projects and events through the Asian Community, the Poetry Can website, Poetry Can bulletin, Literature South West website	April 2006 onwards
Promote the above	Expand content of websites and bulletin to include more material of interest to Asian communities in Britain.	April 2006 onwards

OBJECTIVE	ACTION	TIME
Develop the audience for poetry can's activities in the Black communities of Bristol and the region by organising lifelong learning activities linked to a Bristol poetry event:	develop partnerships with organisation/s, , such as Kuumba, CEED, Malcolm X, Speakeasy	Initially January – April 2006 - ongoing 2006-07-08
Both project and poetry festival event should in some way reflect or celebrate the communities in which it seeks to be rooted.	this partnership to organise a lifelong learning project each year that will also be linked or complimented by a Poetry Festival Event in AC communities in each of the following three years.	2006 – 2007 - 2008
The projects and poetry festival events should be Black community led in association or partnership with Poetry Can.	At least one event at Bristol Poetry Festivals	September: 2006 – 2007 – 2008
Promote the above	Promote the lifelong learning projects and events through the African- Caribbean Community, the Poetry Can website, Poetry Can bulletin, Literature South West website &	April 2006 onwards
	Expand content of websites and bulletin to include more material of interest to Black communities in Britain.	April 2006 onwards

Can Openers

OBJECTIVE	ACTION	TIME
Promote equal opportunities and cultural diversity	Programming to ensure that the diverse society is reflected in the Can Opener sessions. The organiser to actively liaise with diverse groups and individuals locally, regionally and nationally.	April 2006 Onwards: Both Bristol & Bath Can Openers currently running once a month

Organisational Development

OBJECTIVE	ACTION	TIME
To increase Board Membership	Devise a strategy to recruit 3 new board members a year	April - July 2006
	Strategy in action	August – March 2006/07/08
To increase Advisory Board membership	Devise a strategy to recruit 3 new board members a year including representatives from groups with which this policy is concerned. This will include targeting recruitment from within groups with which this policy is concerned.	April – July 2006
	Strategy in action	July – Mar 2006/07/08
To research funding opportunities in order to further develop the lifelong learning programme and to provide increased admin support	Identify & apply for new sources of funding particularly in relation to working with communities, arts education work with Black and Asian Communities, & young people	April 2006 onwards – dates to be confirmed
To develop an Equal Opportunities Training Policy	Devise a written on going Equal Opportunities training policy for Trustees and employees of Poetry Can that will set out the support and training that will be provided to different members of your organisation	April 2006 onwards

Plan a series of Equal Opportunities Training Sessions over next three years as part of EQTP.	Training might include increasing general awareness of race, gender, disability, age, sexual orientation etc., and legal issues, and the role and responsibilities of staff members and the management committee.	Throughout three year period of policy Dates tbc
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Monitoring & reviewing

Poetry Can will monitor progress throughout its three year duration.

The Equal Opportunity Action Plan will be evaluated 4 times per year at Board meetings:
April-October-January-March 06/07/08

A board member will be nominated to lead on evaluation of Equal Opportunity Action Plan:
April 2006.

All board members and employees of Poetry Can are responsible for making sure Equal Opportunity Action Plan is implemented. Each milestone will have nominated board members & employees to take prime responsibility.

We will know objectives have been achieved when corresponding milestones have been reached.

Milestones

Milestone

Date

Monitor Poetry Can and Literature South West web sites and Poetry Can Bulletin to contain more items of interest to Black and Asian audiences
To be reviewed monthly
Admin worker

April onwards

Festival Programmed – it should reflect the diverse nature of society – does it?
Director & Board

By April

Partnership established with Black organisation
Director & Board

30 April 2006

Partnership established with Asian organisation
Director & Board

30 April 2006

Strategies devised to recruit 3 new board members & 3 new advisory group members annually
Director & Board

31 July 2006

Identify new additional sources of funding particularly in relation to working with communities, arts education work with Black and Asian Communities & young people.
Admin Worker

July 31 2006 &
March 31 07/08

Festival Event aimed at a Black audience at a venue in the community Director & Board	7-17 Sept 06/07/08
Festival Event aimed at Asian audience taking place at a venue in the community Director & Board	7-17 Sept 06/07/08
At least one Festival event to be aimed at children / young people Director & Board	7-17 Sept 06/07/08
Black community lifelong learning project complimenting or linked to Poetry Festivals Director & Board	7-17 Sept 06/07/07
Asian community lifelong learning project complimenting Or linked to Poetry Festivals Director & Board	7-17 Sept 06/07/07
3 annual Black Partnerships Evaluations meetings to have taken place. Director & Board	March 07/08/09
3 annual Asian Partnerships Evaluations meetings to have taken place. Director & Board	March 07/08/09
Can Openers to programme at least 3 Black / Asian featured poets each year Can Openers Organiser	April-March 06/07-07/08-08/09
Board recruitment strategies evaluated Director & Board	March 07/08/09

Other

- **Management**

The Trustees of Poetry Can (board of management) are committed to the development of this equal opportunities policy.

- **Encouraging participation - audiences and members**

- Poetry Can will take reasonable steps to ensure that existing and potential members and audiences/users have access to all that we offer
- Publicity and information material:

The design of the websites attempts to follow DDA guidelines.

If you have any issues regarding website accessibility please contact webmaster@poetrycan.co.uk

Poetry Can will:

- make printed publicity material available in large font on request.
- ensure its publicity images are inclusive.
- endeavour to ensure that its directly programmed events all take place in venues with good disability access.
- ensure that information about disabled access is included where possible.
- endeavour to keep ticket prices for events and workshops etc. as affordable as possible for all, including people on limited incomes.
- continue to liaise regularly with a wide range of organisations re. its work, poetry development and the needs of diverse communities
- How will you ensure that specific groups in the community are not excluded? Are signers or interpreters available?
- **Recruitment and Employment Procedure**

Poetry Can recruitment and Employment Procedures will be reviewed, including:

Recruitment:

- how vacancies are advertised, how job descriptions and person specifications are written
- how the application form is designed
- how interview panels are made up and short-listing, interviewing and selection procedures.

Employment

- Contracts
- probationary periods and induction processes
- training, support, staff development and provision for individual employee needs.

Poetry Can will conform with anti-discrimination legislation with regard to recruitment and employment processes.

Poetry Can will use existing and future legislation as a framework on which to develop good practice, eg.

The Sex Discrimination Act (1975;1986)

The Race Relations Act (1976)

The Equal Pay Act (1985)

The Disability Discrimination Act (1995)

The Rehabilitation of Offenders Act (1974)

- **Child protection**

Poetry Can Child and Vulnerable Persons Protection Policy

Poetry Can believes that:

- the welfare of the child, young person and vulnerable adult is paramount
- all children, young people and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse
- all suspicions and allegations of abuse should be taken seriously and responded to swiftly and appropriately
- staff (paid and unpaid) should be clear on how to respond appropriately

Poetry Can will take every reasonable step to ensure that children, young people and vulnerable adults are protected where:

- our own staff are directly involved in the delivery of an arts project
- our staff recruit or broker relationships between a poet or arts facilitator and a third party
- we fund an arts organisation for a programme of work, or for core work
- we seek to promote a positive ethos of collaborative work between the professional arts sector and children, young people and/or vulnerable adults
- If a complaint or criminal proceeding occurs between an artist or arts facilitator and a third party, as a result of Poetry Can's direct or indirect involvement, Poetry Can will treat the situation with the utmost urgency.

• **Poertry Can may work with children, young people and vulnerable adults by:**

- providing on request information, advice and support re. poetry and poetry activities to organisations working with children, young people and vulnerable adults such as schools;
- brokering relationships between poets and schools and other organisations;
- organising poetry projects, events and activities involving poets, schools/ organisations working with children, young people and vulnerable people.

• **Poetry Can believes that:**

- the welfare of the child, young person and vulnerable adult is paramount all children, young people and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse
- The Police Act 1997 makes it a criminal offence for an employer *not* to check an employee working with children or vulnerable adults and/or knowingly give a job to someone who is inappropriate to work with children or vulnerable adults.
- Since 2003/04 Arts Council England funding agreements include the following conditions:
- Poetry Can is responsible for being fully aware of issues about protecting children, and vulnerable adults.

- Poetry Can should consider any possible risks involved in the funded activities and take appropriate action to protect everyone involved. **Note:** organisations must adopt and carry out a written policy and set of procedures to protect children and vulnerable adults.

Definitions

- Poetry Can uses Arts Council, England definitions in defining terms such as 'children', 'young people' and 'vulnerable adults'

- ***What is a 'child'?***

In law a child is defined as anyone up to the age of 18. (Extensions of this exist for children who are disabled and for those in local authority care settings.)

- ***What is a 'young person'?***

There is no legal definition for this term. In this document, 'young person' refers to the upper age ranges of the official definition of a child. The term acknowledges that individuals, for instance, those who are 16 or 17 years old, may not think of themselves as 'children' and are often called 'young people' by youth workers.

- ***What is a 'vulnerable adult'?***

In law there is no standard definition of 'vulnerable adult'. You need to define 'vulnerable' in relation to your work and include your definition in your safeguarding policy.

- Arts Council England uses the following definition taken from the 1997 consultation paper *Who Decides?* issued by the Lord Chancellor's department:

Vulnerable adults are people who are or may be in need of community care services because of
 mental disability or other disability, age or illness, and who are, or who may be, unable to take care
 of themselves or unable to protect themselves against significant harm or exploitation.

- **Abuse**

Poetry Can understands the term 'abuse' according to (provided by Arts Council, England) the government guidance, Working Together to Safeguard Children, categorises abuse as:

- physical abuse
- emotional abuse
- sexual abuse
- neglect

Poetry Can takes note that in all forms of abuse there are elements of emotional abuse and that it is possible to be subjected to abuse in more than one way at a time. These four categorisations and the definitions below do not minimise other forms of maltreatment.

The NSPCC notes that there are other sources of stress for children and families such as:

domestic violence, the mental illness of a parent or carer, or drug or alcohol misuse. All these may have a negative impact on a child's health and development and may be noticed by an organisation caring for a child. If it is felt that a child's well being is being damaged by any of these areas, the same procedures as for abuse should be followed.

Vulnerable adults may also be subject to other types of abuse as well as to the four types of abuse listed above. They may be manipulated financially or discriminated against because of a disability or other factor that makes them vulnerable. Further information is in the Department of Health and Home Office guidance on protecting vulnerable adults, *No Secrets*.

What is physical abuse?

Physical abuse includes hitting, shaking, throwing, poisoning or misuse of medications, burning or scalding, drowning, suffocating or otherwise causing physical harm. Physical harm may also be caused when a parent or carer feigns the symptoms of or deliberately causes ill health to a child whom they are looking after.

What is emotional abuse?

Emotional abuse is the persistent emotional ill-treatment of a person such as to cause severe and persistent adverse effects on that person's emotional development. It may involve making the individual feel or believe that they are worthless, unloved or inadequate. It may also involve causing the person to feel often frightened or in danger. It may involve exploitation or corruption.

What is sexual abuse?

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child or young person is aware of, or consents to, what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. Sexual abuse also includes non-contact activities, such as involving children or young people in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging them to behave in sexually inappropriate ways.

Sexual abuse of vulnerable adults can be rape and sexual assault or sexual acts to which the person does not consent or cannot consent or is pressured into consenting.

Sexual abuse may be same sex or opposite sex, may be by other children, young people or adults. People from all walks of life may be sexual abusers.

What is neglect?

Neglect is the persistent failure to meet a child's, young person's or vulnerable adult's basic physical and/or psychological needs, likely to result in the severe impairment of the person's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child, young person or vulnerable adult from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment.

It may also include neglect of a child's, young person's or vulnerable adult's basic emotional needs.

Poetry Can recognises that :

Children, young people and vulnerable people might potentially be abused on Poetry Can projects, in activities or at events (or during such activities brokered by Poetry Can) by: people working as poets; staff employed by another organisation, ie a school or arts project, or another adult who may or may not be related to the child, young person or vulnerable person

Poets employed by Poetry Can to work in any context with children, young people and vulnerable people are required to:

- **create an environment where the welfare of children, young people and vulnerable adults is actively promoted. Promoting welfare is about helping children, young people and vulnerable adults achieve their potential and ensuring that they are safe and adequately cared for.**

They will do this by:

- always ensuring that someone from the school/educational establishment, youth organisation or care setting is present and therefore meeting their responsibility for ensuring the safety of those in the setting
- Each school and organisation has its own systems and procedures, and visiting poets or others should find out what they are and comply with them.
- monitoring risks throughout the project
- maintaining a safe and appropriate distance from participants
- Physical contact should be avoided, including actions such as hugging, ruffling hair or making affectionate physical contact of any kind.
- Smoking is now completely banned on school premises
- Staff toilets only should be used by visiting adults
- treating all children, young people or vulnerable adults equally, and with respect and dignity
- always putting the welfare of each participant first, before achieving goals
- building balanced relationships based on mutual trust, which empowers children, young people or vulnerable adults to share in the decision-making process
- giving enthusiastic and constructive feedback rather than negative criticism
- making the arts fun, enjoyable and promoting equality
- being an excellent role model for dealings with other people
- recognising that children or young people with disabilities may be even more vulnerable to abuse than other children or young people
- not allowing sexual relationships to develop between artists/facilitators and young people or vulnerable adults

- **Managing Sensitive Information**

Poetry Can will:

- develop a new policy and set of procedures for taking, using and storing photographs or images of children, young people or vulnerable adults – in the mean time photographs or images of children, young people or vulnerable adults will not be taken, used or stored without the permission of both the persons concerned and a parent, guardian, and designated professional.
- Photographs or film of pupils on or off school premises cannot be taken without prior discussion with the school.
- Most schools now have their own policies regarding images that the poet or other must follow.
- If pupils' work is to be broadcast or published (whether in print or on the internet), the school must be consulted about the use of their names. Schools are responsible for protecting young people from being identified in ways which might make them vulnerable.
- carefully monitor and use of web-based materials and activities

- **Procedures for reporting any suspicions or allegations of abuse**

- **Responding to possible abuse and to disclosure**

- Poets or persons employed by Poetry Can to work directly with children, young people or vulnerable adults should always have a contact person with legal responsibility for the child, young person or vulnerable adult.
- Poetry Can employees should never assume sole responsibility for a child, young person or vulnerable person.

- **Suspensions**

- If a Poetry Can employee should see or suspect abuse of a child, young person or vulnerable adult they should make the person with legal responsibility for the child, young person or vulnerable person (eg the teacher, youth or careworker) aware of the problem.
- If a Poetry Can employee suspects that the person with legal responsibility i e, the teacher, youth worker or care worker is actually the source of the problem, they should make their concerns known to another member of staff employed at the site, to the Director Of Poetry Can and through the Director to the Chair of Poetry Can.

- The Poetry Can employee should make a note for their own records of what they have witnessed as well as their response, and make the Poetry Can Director (and other relevant person, such as the project organiser) aware of the situation, in case there is follow-up in which they are involved.
- **Allegations made against Poetry Can staff, sessional workers, volunteers or anyone else involved in Poetry Can's activities**
- The Director and Chair of Poetry Can must be informed immediately and an investigation will start immediately, with the potential that disciplinary proceedings will begin. If an investigation warrants police involvement then Poetry Can employees, volunteers and Management Committee members will be expected to offer full cooperation.
- **Accidents and injuries**
- If a child, young person or vulnerable adult is injured while involved in a project organised on behalf of Poetry Can a record of the injury must be made in the accident book. This record must be countersigned by the person with responsibility for the individual. The accident book should be kept for 21 years.
- If a child, young person or vulnerable adult arrives at a Poetry Can venue or project with an obvious physical injury the worker employed by Poetry Can must make a record of this in the accident book. This record should be counter signed by the person with responsibility for the individual. This record can be useful if a formal allegation is made later. It will also be a record that the individual did not sustain the injury whilst at your venue or on your project. The accident book should be kept for 21 years.
- **If someone discloses to a Poetry Can employee**

It is possible that a child, young person or vulnerable adult who is suffering or has suffered abuse will confide in a Poetry Can employee. This is something Poetry Can employees should be prepared for and must be handled carefully.

The Following action should be taken if there are concerns of abuse of a child, young person or vulnerable adult:

- **Remain calm and in control but don't delay acting**
- Listen carefully to what is said. Allow the person to tell you at their own pace and ask questions only for clarification. Don't ask questions that suggest a particular answer
- Don't promise to 'keep it a secret'. Use the first opportunity you have to say that you will need to share the information with others. Make it clear that you will only tell the people who need to know and who should be able to help
- Reassure the child, young person or vulnerable adult that 'they did the right thing' in telling someone
- Tell the child, young person or vulnerable person what you are going to do next

- Speak immediately to the person in the school/educational setting, youth or care setting who has designated responsibility for protection of children, young people or vulnerable adults. (This is likely to be the head teacher for a school or the director of the youth or care setting.) It is that person's responsibility to liaise with relevant authorities, usually social services
- As soon as possible after the disclosing conversation, make a note of what was said, using the child's/young person's/vulnerable adult's own words. Note the date, time, any names that were involved or mentioned and who you gave the information to. Make sure you sign and date your record.
- Make your line manager or other appropriate colleague (for instance the project organiser) aware of the situation
- **Social services will liaise with the relevant departments on a 'need-to-know' basis and will, if appropriate, inform the police. It is the responsibility of the authorities to determine whether abuse has occurred.**
- **Rights and confidentiality**
- If a complaint or allegation is made against a member of staff, he or she should be made aware of his or her rights under both employment law and internal disciplinary procedures. This is the responsibility of the Director and the Chair of Poetry Can.
- No matter how you feel about the accusation, both the alleged abuser and the person who is thought to have been abused have the right to confidentiality under the Data Protection Act 1998. Remember also that any possible criminal investigation could be compromised through inappropriate information being released.
- In criminal law the Crown or other prosecuting authority has to prove guilt and the defendant is presumed innocent until proven guilty.
- **Ensuring Confidentiality**
- **Poetry Can will** protect the rights of employees, freelancers and volunteers, including safe handling, storage and disposal of any information provided on artists or arts facilitators (or others involved in arts projects) as part of the recruitment process (Data Protection Act 1998)

- **Professional Development**

Poetry Can aims to:

- keep up to date with health and safety in artistic practice
- keep informed about legislation and policies for protection of children, young people and vulnerable adults

- undertake appropriate relevant development and training

Good practice in **planning a project** for work involving children, young people and vulnerable adults means:

- undertaking, at the outset of project planning, a risk assessment, and monitoring risk throughout the project
- identifying, at the outset, the people with designated protection responsibility
- engaging in effective recruitment, including appropriate vetting of staff and volunteers
- knowing how to get in touch with local authority social services, in case you have to report a concern to them
- putting systems in place to create and manage good relationships with parents and other stakeholders
- being aware of the content of your work and the impact it may have on children, young people or vulnerable adults

- **Criminal Records Bureau and the Disclosure Service**

- **Poets and others employed by Poetry Can working with children, young people or vulnerable adults:**

- **Enhanced disclosure –**

Poetry Can recommends that writers get in touch with NAWE. NAWE processes Disclosure checks on behalf of all the writers and artists featured on its online database www.artscape.org.uk

- **Insurance**

- **Poetry Can will only employ poets and others with their own PLI**

Public Liability Insurance (PLI) to a minimum of £2 million cover is advisable.

Insurance is an important professional requirement, should be built into the writer's annual overheads, and is tax deductible.

Poetry Can recommends that poets contact NAWE for further information and advice on finding suitable insurance providers

- **Support:** supporting paid staff/ sessional workers and volunteers in their understanding and awareness of the importance of safeguarding children, young people and vulnerable adults
- all Poetry Can staff and volunteers will be required to read and agree to this document before been allowed to work with children, young people and vulnerable adults
- good practice re. safeguarding young people and vulnerable adults will be built into all evaluation sessions

- Poetry Can's policy for safeguarding children, young people and/or vulnerable adults is also part of its Equal Opportunities Policy and as such will be included in all recruitment, induction and training materials. Poetry Can will review and update its policies and procedures in the light of developments in their own practice and in legislation relating to protection issues.

- **Ambitions for the Future**

Poetry Can aims to be a Equal Opportunities Organisation.

We recognise equal opportunities will be an ongoing issue and although we will reach many of

our objectives we will have to plan to reassess them on a regular basis.

Poetry Can also has a number of ambitions for the future, for example to increase the number of Bristol Poetry Festival events that feature a signer. We will over the next few years develop this and other ambitions that reflect the diverse society in which we live.

Glossary of Terms

Area Child Protection Committees

Area Child Protection Committees (ACPCs) work on a local basis. They bring together representatives of the main agencies which protect children from abuse and neglect. They work out how the different services should co-operate. When arts organisations are working out their own protection procedures they should contact their local ACPC (see section 13: Contact details).

Note: From April 2006 ACPC's will be known as Local Children Safeguarding Boards (LSCBs.)

Child

A person under the age of 18.

Convictions, spent

A person convicted of all but the most serious criminal offences and who receives a sentence of no more than two and a half years in prison benefits from the Rehabilitation of Offenders Act (ROA) 1974 if they are not convicted again during a specified 'rehabilitation' period. Generally, the more severe a penalty is, the longer the rehabilitation period.

Once a rehabilitation period has ended and no further offending has taken place, a conviction is 'spent'. With a 'spent' conviction, the person does not usually have to reveal or admit the conviction, including when applying for a job. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a spent conviction.

There are some exceptions: when recruiting for a position of trust, an employer is entitled to ask a candidate to reveal details of all convictions, whether spent or not, particularly to protect children and other vulnerable groups. (Rehabilitation of Offenders Act 1974).

Convictions, unspent

A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed. A rehabilitation period is a set length of time from the date of conviction, according to the sentence imposed.

Counter signatory

Person within a registered body whose role includes: countersigning applications and receiving the Disclosures; and the control of the use of, access to and security of Disclosures.

Criminal Records Bureau

An agency of the Home Office, through its Disclosure service, helps organisations recruit more safely.

Disclosure (official)

A Disclosure is a document containing information held by the police and government departments. It can be used by employers and voluntary organisations to make safer recruitment decisions about people working with children, young people or vulnerable adults.

Disclosure service

Provides a regulated 'one stop' service for England and Wales, offering access to records held by the police, together with those held by the Department of Health (DH) and the Department for Education and Skills (DfES). It enables organisations to make more thorough recruitment checks, particularly for positions that involve regular contact with children and vulnerable adults.

In April 2002 the Criminal Records Bureau (CRB) was set up to replace the old system of police checks and to carry out a 'one-stop service' called Disclosure see www.disclosure.gov.uk

The Disclosure service will eventually carry out three levels of checks: Basic, Standard and Enhanced.

For the foreseeable future, only the Standard and Enhanced Disclosures are available.

Standard Disclosure

A Standard Disclosure is the minimum level of Disclosure recommended for anyone with direct contact with children. This level of Disclosure is considered appropriate only if it can be guaranteed that the individual will not have unsupervised access to children or vulnerable adults.

Standard Disclosures provide information on both criminal records (spent and unspent convictions) and the List 99, Protection of Children Act (POCA) and Protection of Vulnerable Adults (POVA) lists (which provide names of individuals banned from working with children or vulnerable adults). (See section 2: Glossary for more on these terms.) The turn-around time should be two weeks but can take longer, depending on the bureau's workload at the time.

Enhanced Disclosure

An Enhanced Disclosure is for people who are in situations where they have intensive short or long-term access to children, young people or vulnerable adults and, as a result of this access, it would be relatively easy for them to commit abuse. It includes the information provided by a Standard Disclosure as well as any investigations currently underway and may also contain non-conviction information from local police records which a chief police officer thinks may be relevant. Enhanced Disclosures should take three weeks but could be considerably longer, particularly if the individual has lived in several parts of the country, each of which will be checked.

Basic Disclosure

Basic Disclosure will reveal only unspent convictions. This service will be introduced only when the CRB is meeting service level agreements for Standard and Enhanced Disclosures and when certain other regulations have been reintroduced.

Processing Disclosures

Standard and Enhanced Disclosures must be processed through an organisation registered with the Criminal Records Bureau. The CRB website has a list of registered bodies. Some of these will be 'closed' registered bodies and others will be 'open' bodies (also known as umbrella bodies).

The Glossary explains the differences between these two types of registered bodies.

You will need to find out which umbrella bodies exist in your area, whether they are willing to process checks on your behalf and how much they may charge. The [Disclosure service](#) website has a list of registered bodies and you should contact several of these bodies until you find one willing to process your organisation's application. You may wish to begin by contacting the LEA in which the project is taking place, alternatively [Ofsted](#) may be able to help (0845 601 4771).

When an individual is applying for a Disclosure, they will need to prove to the registered body that they are who they claim to be and live at the address they claim to live at. This can be done by showing photo-documentation (such as a passport or driving licence) and two recent official correspondence that shows their address (a bank statement or utility bill).

The 2005/6 fee for a Standard Disclosure is £29 and for an Enhanced Disclosure £34, although when volunteers are being checked, the Criminal Records Bureau has the power to carry out the check free of charge. Registered bodies may charge an administration fee which varies from body to body.

To disclose

In the context of child protection, the term means to reveal or divulge information about having suffered from abuse or neglect.

In loco parentis (person acting)

A person who has been given explicit permission to assume parental responsibility for a child by a parent or legal guardian.

List 99

A confidential list of adults, held by the Department for Education and Skills (DfES), who are either banned from working with children or young people or have had restrictions placed upon their employment. Schools must make sure that no one who is on List 99 has regular contact with children.

Ofsted

The Office for Standards in Education (Ofsted) is a non-ministerial government agency department whose main aim is to help improve the quality and standards of education and childcare through independent inspection and regulation.

Ofsted assumed responsibility under the Care Standards Act 2000 for the regulation and registration of all early years childcare and education. This includes inspecting some 100,000 childminders and 40,000 daycare establishments.

POCA list

This list identifies people unsuitable for employment with children in childcare roles and is held by the Department of Health. The Protection of Children Act 1999 advises that certain professions (such as teachers) must be checked against the list prior to employment.

POVA list

A confidential list of care workers who have harmed vulnerable adults in their care.

Registered Bodies

Organisations which have registered with the CRB in order to process applications to the Disclosure service for their own employees. (also: Umbrella bodies)

Social services departments

The local authority social services department should be contacted when there is concern about possible abuse of a child, young person or vulnerable adult. It is the responsibility of social services, working if necessary with other services such as the police, to determine if abuse has taken place.

Sole charge

Means having unsupervised contact with children, young people or vulnerable adults.

Spent convictions

See Convictions, spent

Umbrella Bodies

An umbrella body is a registered body that acts on behalf of other organisations, enabling them to access the Disclosure service as well as its own staff. An umbrella body might be a regulatory organisation, a trade association or even a new organisation set up for the sole purpose of countersigning Disclosure applications on behalf of others.

Unspent convictions

See Convictions, unspent

Vulnerable adult

The Arts Council uses the broad definition referred to in the 1997 consultation paper *Who Decides?* issued by the Lord Chancellor's department which says: A vulnerable adult is a person who is, or may be, in need of community care services because of mental disability or other disability, age or illness, and who is, or who may be, unable to take care of themselves or unable to protect themselves against significant harm or exploitation.

Young person

In this document, a 'young person' is in the upper age ranges of the official definition of a child. The term has no legal status – it acknowledges that people aged 16 or 17 may not think of themselves as 'children'

Reference : Further Information

The following organisations offer advice and many publish information sheets:

Arts Councils and RABs (phone book)

Arts Disability Wales T: 029 2037 7885

Commission for Racial Equality T: 020 7828 7022

Disability Scotland T: 0131 229 8652

Equal Opportunities Commission T: 0161 833 9244

Lesbian and Gay Employment Rights T: 020 7704 6066

Local Authorities Contact the Equal Opportunities or Access Officer

National Council for Voluntary Organisations T: 020 7713 6161

National Disability Arts Forum T: 0191 2611628

Northern Ireland Council for Voluntary Action T: 01232 321224

Scottish Council for Voluntary Organisations T: 0131 556 3882

Wales Council for Voluntary Action T: 029 20431700

VANs Briefing sheet: DDA Part III.

Publications

The Children Act 1989

The object of the Children Act is to promote the safety and welfare of children. The Home Office has produced an indispensable supplement to the Act called *Safe from Harm: A Code of Practice for Safeguarding the Welfare of children in Voluntary Organisations in England and Wales.*

T: Home Office 020 7273 4000, ask for Publications.

Safeguarding Children and Young People

This explains the Children Act and gives a summary of *Safe From Harm*. It also offers a model policy statement on safeguarding children and young people.

T: Community Matters 020 7226 0189

Voluntary but not Amateur - a guide to the law for voluntary organisations (1998), LVSC. (14.95)

Equal opportunities - a guide for employers,
Equal Opportunities Commission (free)

Equal Opportunities - a practical handbook (1994) Industrial Society
(19.95)

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Dunmore, Dennis O'Driscoll, Ciaran Carson, Jo Shapcott, Kathleen Jamie
Subject:
Author: -
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Comments:
Creation Date: 5/24/2006 11:40:00 AM
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