



BRIGHTON
FESTIVAL
YOUTH
CHOIR

Safeguarding Policy and Procedure

Safeguarding Children and Young People during

BRIGHTON FESTIVAL YOUTH CHOIR events

Foreword

Under the law (Children Act 1989 and Children Act 2004) and government guidance on how organisations should work together, charities such as Brighton Festival Youth Choir have a responsibility to contribute to the safeguarding of the children with whom they work, to act on any concerns that a child is at risk of abuse and make sure that the way they work does not place children at unacceptable risk of harm.

For the purposes of this policy and its procedures **safeguarding** is defined as: the process of protecting children from harm - whether the harm is caused by accidents, deliberate abuse (physical, emotional, sexual), neglect, bullying, discrimination or prejudice or failure to help children take part in activities that are open to most of their peers.

Safeguards are further defined as measures put in place to help reduce the risk of children and young people being harmed. (Making Music, August, 2021).

Policy Statement

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1. Introduction

1.1 **Brighton Festival Youth Choir (BFYC)** is a mixed choir for young people aged 11 – 18 in Brighton and the surrounding area. **BFYC** works with a wide range of organisations

including professional choirs and orchestras in both local and national venues and abroad and is recognised for its high vocal quality, musicianship and professionalism.

1.2 **BFYC** is a registered charity and is managed by a Board of Trustees who manage most of the routine aspects of rehearsals and events. The Trustees are supported in its operations by trained volunteer chaperones.

1.3 **BFYC** engages staff on a part-time freelance basis, including the Music Director and the Assistant Music Director or regular accompanist. Accompanists may also be hired where required on a casual basis.

1.4 **BFYC** is committed to promoting the well-being of children and young people through channelling their creative singing potential and ensuring that, while doing so, their welfare and safety is paramount.

1.5 **BFYC** trustees believe that a child or young person should never experience abuse of any kind. They recognise that they have a responsibility to promote the safety and welfare of children and young people under their temporary care and they work closely with parents/carers to ensure that the needs of all children and young people are taken into account. The care and possible risks to children and young people are considered in relation to the range of activities that take place. These include the recruitment of staff, the appointment of trustees and all the operations of the choir including arrangements and provision for recruitment, rehearsals, performances and workshops, travel and chaperoning, alongside health and safety compliance in the buildings used by **BFYC**.

1.6 It is recognised that adherence to **BFYC's** safeguarding policy is in the firm interests of all its stakeholders. The trustees strive to ensure that **BFYC** continues to enjoy a positive reputation and add value to the community, while ensuring that all children and young people are kept safe and that potential risks of harm are minimised.

2. Safeguarding principles

BFYC works to the following principles:

- The welfare of the child and young person is paramount
- All children and young people, without exception, have the right to protection from abuse
- Any suspicion or allegation of abuse will be taken seriously and responded to swiftly and appropriately.

All freelance staff, volunteers¹ and others acting on behalf of **BFYC** have a duty of care to abide by this safeguarding policy and to report concerns. Similarly all are required to follow **BFYC's** Health and Safety Policy ensuring both their own, as well as members' health and

¹ Volunteers may also include trained chaperones and first aiders, as well as any responsible adults nominated by BFYC Trustees

safety. Those acting on behalf of **BFYC** should make sure all members are appropriately and adequately supervised at all rehearsals and performances (including during breaks) at a ratio of 1:12. This should be done by a trained chaperone, or in the unavoidable absence of a

trained chaperone, a DBS checked and nominated responsible adult² should act in their place.

3. Procedures

3.1 All staff, volunteers and others acting on behalf of **BFYC** accept responsibility for the welfare of children and young people who come into contact with its activities and will report any concerns they may have about a child or somebody else's behaviour using the agreed procedures.

3.2 There is a designated Trustee who will act as Designated Safeguarding Lead (DSL). The DSL can be consulted and take action following any expression of concern. This person has an understanding of child protection procedures and how to make appropriate referrals to child protection agencies in accordance with national and local government guidance. In the absence of the designated trustee acting as DSL, another nominated trustee will be consulted and take any necessary and appropriate action (see Section 9.2).

3.3 The Chair of **BFYC** must be informed immediately of an expression of concern.

3.4 The DSL and the Chair must decide on the nature of the concern regarding a particular child/young person and agree a suitable course of action, which may include making a referral to the local child protection agency.

3.5 Information in relation to a concern must be recorded as soon as possible.

3.6 Every effort must be made for confidentiality to be maintained for all parties when an allegation has been made or a concern investigated.

4. **BFYC – a behaviour code**

4.1 **BFYC** promotes good practice through adopting the following behaviour code for all staff, volunteers and others acting on behalf of **BFYC**. The code includes that:

² Nominated responsible adults: Adults known to BFYC Trustees who have undergone DBS checks and been provided with clear guidance as to their roles and responsibilities regarding their care of BFYC members

- All children and young people are kept informed of the schedule of activities with timely communications being open and transparent at all times.
- Unsupervised/unobserved contact with an individual child or young person must be avoided wherever possible.
- It is important not to have physical contact with children/young people and this should be avoided.
- The normal business of the choir does not involve children/young people being transported alone on car journeys; in exceptional circumstances where a child's health

and/or safety are at risk the parent/carer should be contacted to provide permission to transport.

- Suggestive or inappropriate remarks to or about a child, including in jest, must be avoided at all times.
- It is important to listen to anyone who may wish to make a disclosure and recognise that children and young people may have fears of not being believed.
- All people involved with **BFYC** must recognise that those who abuse children can be of any age (including other children/young people), gender, ethnic background or social status, and it is important not to let personal preconceptions prevent appropriate action taking place.
- Good practice includes valuing and respecting children as individuals. Adult modelling of appropriate conduct must exclude bullying, shouting, taunting, racism, religious discrimination, sexism, stereotypes on gender roles or negative remarks regarding sexual orientation, abilities or disabilities.
- A culture of mutual respect between children, young people and those who manage and represent **BFYC** is encouraged.

5. Safeguarding children/young people in performance – Body of Persons approval (BOPA).

Under Section 37(3)(b) of the Children and Young Persons Act 1963 a licence is not required for a performance given under arrangements made by "a body of persons" (BOPA) approved by the local authority where the performance is taking place, or in some exceptional circumstances by the Secretary of State.

Detailed explanation regarding children performance licensing is contained in:
 Examples of Best Practice - Child Performance and Activities Licensing by Local Authorities in England, Department for Education* (February 2015):
http://downloads.bbc.co.uk/guidelines/editorialguidelines/pdfs/Child_Licensing.pdf

A Guide to Child Performance Licensing (in England) –National Network for Children in Employment and Entertainment. May 2016:

<https://www.harrow.gov.uk/downloads/file/23611/body-of-person-s-licence-bopa-guidance>

Brighton and Hove Local Authority Guidance (2018):

<https://new.brightonhove.gov.uk/schools-and-learning/absent-school/apply-child-performance-licence>;

Brighton and Hove Local Authority - Children in Entertainment Notes of Guidance (2014)

<https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Guidance%20Notes.pdf>

Overview (from DfE, 2015)

○ ³What is a BOPA?

³ Licensing via a BOPA can significantly reduce the administration burden for amateur groups as it is the organisation rather than the individual, which is licensed. Thus for a children's choir, such as BFYC, which may have a large number of members, Individual licences are not required for all performances in every circumstance. A BOPA approves an organisation, for a specific performance or for a limited period of time as set out in the approval, to put on performances involving children without requiring those children to be licensed. A BOPA cannot be given for a child to take part in an activity. A BOPA is granted to the organisation putting on the performance not to the child and is for the organisation named in the BOPA only. It is not transferable to other organisations or individual children taking part in performances organised by someone else. (DfE, 2015)

○ Who can apply for a BOPA?

A BOPA can only be issued where no payment is made to the child or anyone else in respect of the child taking part in the performance (except expenses). If a child (or someone on their behalf) is being paid to take part in a performance (other than expenses), a licence is required. A BOPA cannot be issued for a child to take part in an activity, or for a child to travel abroad to perform for the purpose of profit. A BOPA may be granted when it is clear and expected that the child would not normally be paid for performing, for example to take part in a charity fund raising event or where children traditionally are not paid as taking part is considered of wider benefit to their personal development or career progression. However, if a child was taking part in a performance where it would normally be expected that they be paid, the local authority may take the view that a BOPA was not appropriate. There are no other restrictions set out in legislation about the circumstances in which a BOPA can be issued. NB: BOPA is a good option for amateur groups who otherwise might find the licensing process onerous and costly – to the extent that children may be deprived of good opportunities. They may also be appropriate for other types of organisation: the key requirement is that the child is not paid (and wouldn't normally be expected to) and, of course, that the organisation can demonstrate that it has robust and effective systems in place to protect children during rehearsals and performances. (DfE, 2015)

- How to apply for a BOPA?
BOPAs should be issued by the local authority where the performance is taking place. In certain circumstances the performance will take place in several authorities, in which case the organisation will have to apply to each local authority. (DfE, 2015).

6. Online Safeguarding

During the coronavirus (COVID-19) pandemic and lockdown, **BFYC** relied increasingly on online technology.

- **BFYC** trustees recognise that safeguarding is just as relevant for online events as it is for in person events. Many of the principles are the same.

and where the members are not paid for performing having a BOPA removes the need to repeatedly approach parents/carers on each occasion the choir are performing to gather information for a licence. In addition it gives the organisation more flexibility as to which engagements it accepts, enabling the choir to respond positively to performance requests, which might be made at short notice. (Examples of Best Practice - Child Performance and Activities Licensing by Local Authorities in England: Department for Education, 2015; What is a BOPA? section 4.1: National Children's Orchestra example). DfE link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401345/Child_performance_and_activities_licensing_legislation_in_England_-_departmental_advice_-_final.pdf

- All connected with **BFYC** have a duty to ensure that all members and adults involved in our organisation are protected from potential harm online.
- Where necessary, and for sole **BFYC** purposes (i.e. rehearsals, performances and recordings) members will be encouraged to use the online platform selected by the choir's music director in consultation with Trustees e.g. ZOOM, Facebook or Microsoft team, whichever is deemed to be most appropriate.

○ NB Online **BFYC** events

No **BFYC** members under the age of 18 years should hold an online account for the purposes of accessing **BFYC** events. It is the responsibility of the parent/carer of individual **BFYC** members to set-up an appropriately secure account and to supervise their child (if under the age of 16 years) during online **BFYC** events. All online events will be 'virtually' supported and monitored by a trained and accredited **BFYC** chaperone. **BFYC** members will be permitted to 'join' with or without video or audio at their choice.

7. Definitions of Abuse

7.1 **BFYC** recognises that abuse and risks to children and young people can be complex and require careful, supportive and confidential handling. **BFYC** accepts that risk potential is on a continuum from basic health and safety issues relating to buildings and transport arrangements, to learning of abuse that occurred outside the organisation, and includes observing or hearing about abuse perpetrated during choir attendance. To assist **BFYC** to take appropriate action the trustees, staff and volunteers accept the following broad

definitions of the types of abuse that might occur. It is recognised that the definitions may not include all examples of the specific concerns that might arise for a child/young person, but trustees, volunteers and staff are expected to be aware of the likelihood that at least a small number of children and young people who join the **BFYC** could have suffered or continue to suffer some form of abuse.

7.1.1 **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. It may be the result of a deliberate act, but could also be caused through the omission or failure to act to protect. It may include fabricating the symptoms of ill health, or deliberately causing ill health to occur.

7.1.2 **Emotional Abuse**

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve age or developmentally inappropriate expectations being imposed on a child, causing that child to frequently feel frightened, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill treatment of a child, although it may occur alone.

7.1.3 **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of, or consents to, what is happening. It may involve physical contact, including rape or oral sex, or non-penetrative acts such as fondling. Boys and girls may be sexually abused by males and/or females, and by other young people. It also includes non-contact activities such as involving children in watching or taking part in the making of pornographic material, or encouraging children to behave in inappropriate ways.

7.1.4 **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve failing to provide adequate food, shelter and clothing, or failing to ensure that a child gets appropriate medical care or treatment.

7.2 For the purposes of **BFYC's** safeguarding policy these definitions recognise the range of the types of abuse that might occur and that it might vary in levels of extremity and a child's exposure to different forms of abuse.

8. Recruitment practices and safeguards in place for those with a duty of care

8.1 **BFYC** promotes high standards and practices in the recruitment and selection of new staff to ensure that they are suitably qualified and fit to work with children and young people. In doing this the following aspects of recruitment are considered essential:

- A job description, including person specification, is available for all roles
- Recruitment is based on rigorous pre-agreed selection criteria
- Documentary evidence of qualifications is required and inspected as part of the appointment process
- A satisfactory enhanced, on-going DBS check must be in place or be undertaken in advance of the successful candidate taking up the appointment
- References must be formally followed up
- The trustees leading the recruitment should determine whether all documentary evidence provided by the successful candidate meets trustees' selection criteria before confirming the appointment.

8.2 Similar safeguards are in operation for all chaperones, nominated responsible adults and others acting on behalf of **BFYC** in keeping with their respective roles and responsibilities.

9. Responding appropriately to a child wishing to disclose abuse

9.1 It is recognised by **BFYC** trustees that a child or young person may find it extremely difficult to tell an adult of abuse that either they or someone close to them is experiencing. All **BFYC** representatives must be alert to the signals of abuse and be prepared to raise concerns where they suspect that some form of abuse may have taken place or there are signs that a child or young person is displaying some form of distress through their behaviour. When a child or young person does wish to talk about an abuse the following good practice should be followed:

1. Always stay calm.
2. Listen carefully to what is said.
3. Find an opportunity to let the child/young person know that the information may need to be shared with others – do not promise to keep secrets.
4. Reassure the child/young person that the matter will only be disclosed to those who need to know about it.
5. Allow the child/young person to continue at her/his own pace.
6. Ask clarification questions only, avoiding leading or closed questions.
7. Reassure the child/young person that they have done the right thing in telling you.
8. Tell them what you will do next, and with whom the information will be shared.
9. Record in writing what was said, using the child's own words, and note the date, time and any names mentioned. Try to determine whether the incident(s) being reported was recorded digitally (this may be the case for example, where bullying is being reported).
10. Remember that you are not being asked to decide whether or not abuse has occurred.

9.2 Procedures for raising safeguarding concerns and incidents of abuse

If any choir member, staff or volunteer in **BFYC** witnesses, suspects or is informed of a witnessed or suspected case of abuse they should immediately report it to the named person, DSL **Hilary Orrom** hilary@orrom.net;

- If the Named person is not available, or is involved in or connected to, the abuse, it should be confidentially reported to the duty chaperone, **BFYC**'s secretary or nominated trustee.
- If an individual wishes to report an incident of abuse against themselves they should report it to the named person or an individual they trust.

BFYC Trustee Duty chaperones: Anne Boyce anneboyce1@sky.com; Julie Emerton (also **BFYC** Secretary) BFYC@hotmail.co.uk; Wendy Forbes (also **BFYC** Chair) wendyjforbes@aol.com; Andrew Manning-Jones amj@emjaypm.co.uk; Hilary Orrom (also DSL) hilary@orrom.net; Sue Purbrick (also Health & Safety Officer) sue.purbrick@btinternet.com

Other chaperones: Ellie Blows elmara.blows@googlemail.com;
Bettina Harris bettina_harris@hotmail.com

BFYC Parent Duty chaperones: Susannah George susannah@susannahgeorge.net

BFYC trustee acting as a nominated responsible adult with DBS check: Fiona McNae fiona.mcnae@icloud.com; Mirella Marlow mirellamarlow@hotmail.co.uk.

9.3 Procedures for dealing with concerns and incidents of abuse

The Named person (or person reported to in their absence) will first make a decision based on the immediacy of the concern and the following two factors:

1. If the 'vulnerable person' is in immediate danger or needs emergency medical attention – call the police and/or ambulance service.
2. If the person about whom an allegation is made is working with **BFYC** members at the time – remove them, in a sensitive manner, from direct contact and follow the procedures below. It may be necessary to immediately and completely remove the person from all duties with the organisation in the case of serious allegations.

If none of the above applies the Named person will:

- Make a note of the concerns reported to them.
- Speak with the nominated trustee to decide how to handle the reported abuse excluding any Trustee member who may be involved in the incident.
- Escalate the report by either:
- Raising concerns with the police – for serious or possible criminal offences.
- Requesting an assessment by the local authority social care department about whether a 'vulnerable person' is in need of protection.

- An internal investigation – for less serious incidents where they feel internal mediation will be successful and deemed to be appropriate such as for some bullying allegations.
- Where cases are escalated the the Board of Trustees will cooperate with the police or local authority in dealing with the reported incident.
- Where an internal investigation takes place the Board of Trustees will:
 - Inform all parties involved of the reported abuse as soon as possible.
 - Inform the family/guardians of the person reported as being abused of the incident.
- Arrange separate meetings with both parties within 10 days of the reported incident. (NB: If deemed appropriate a joint meeting may be arranged within 10 days of the reported incident. However, due to the highly sensitive nature surrounding such incidents, a meeting should **only** be arranged with the full consent of both parties and where such opportunities are of benefit to those involved in the reported incident.)
 - Both parties should be given the chance to bring a friend or representative to the meeting.
 - Meetings will be attended by the named DSL and at least one other Trustee.
 - All parties will also be invited to submit a written statement in advance of the meeting, although members will not be expected to make a written statement if they do not wish to do so. If the incident that is the subject of the investigation was recorded on digital media, it may be appropriate to review it and suggest action to ensure no further harm arises from the recording after the investigation.
- Once meetings have taken place the committee will decide on next steps and communicate them to all parties in writing within 5 days. They will be either:
 - Escalate the incident to the relevant authority.
 - Further investigation – with established procedures and timelines to work towards a resolution.
 - A decision or resolution.

9.4 Resolution and disciplinary action

- If abuse is found to have taken place any final resolution or decision will be taken in the best interest of the person who has suffered the abuse.

- Any disciplinary action will be taken following discussion with a group of up to 4 nominated trustees³, who have not been involved in the original action. (Nominated by the **BFYC** Trustee Chair)

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10. Legal Framework

This policy has been drawn up on the basis of law and guidance that seeks to protect children, namely:

- Section 37(3)(b) of the Children and Young Persons Act 1963 (BOPA)
- Children Act 1989
- United Nations Convention of the Rights of the Child 1981
- Data Protection Act 2018 and the General Data Protection Regulation
- Sexual Offences Act 2003
- Children Act 2004
- Protection of Freedoms Act 2012

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- Working Together to Safeguard Children 2013
 - Child performance and activities licensing legislation in England (Dept for Education, 2015)
 - Keeping children safe in education (KCSiE, 2022): Statutory guidance updated 1 September 2022:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf ○ Relevant government guidance on safeguarding children

10.1 Non-school activities on school premises

NB: A new section in previous KCSiE (2021) has been included in KCSiE (2022) to clarify who is responsible for safeguarding in relation to non-school activities on site. KCSiE 2021 (155-156) confirmed that if it is an activity under the supervision of the school, their safeguarding policy will apply. If it is an activity organised by a third party i.e. **BFYC** trustees, the school must seek an assurance from **BFYC** that the organisation has appropriate child protection procedures in place. KCSiE also goes further to say that the safeguarding arrangements should be included in any lease or hire agreement as a condition of use and occupation of the premises; with the stipulation that a failure to comply with this would lead to termination of the agreement. This is required even if

³ Definition of a nominated trustee: With the exception of the BFYC Chair, who should remain impartial, a trustee nominated by the designated DSL should act in their absence. The nominated trustee must be DBS – checked and have completed up-to-date current child protection training.


there is no payment as there exists a formal agreement between BACA and **BFYC** to use the school's premises (KCSIE, 2021; HCRLAW, July 2021).


11. Child protection training

To ensure appropriate safeguards are in place all adults who work with the youth choir, either in a professional or voluntary will participate in regular, accredited child protection training.

12. Updating and reviewing the Safeguarding Policy

BFYC will review this policy on an annual basis. A designated person for child protection will be confirmed annually by the trustees in line with this policy.

Signed (BFYC Chair)  Date 24/01/2023

Signed (BFYC DSL)  Date: 24/01/2023

Updated 9 June 2017

Interim review /update 9 January 2018

Reviewed 18 June 2018 (updated to include the latest safeguarding legislation published by DfE).

Reviewed: 18 June 2019

Reviewed: 6th April 2020

Online Safeguarding added: 18th November 2020

Reviewed: July & Sept 2021

Reviewed: January 2023