



# Guidelines for Hut Managers

No. 11.1

April 2018\*



## Safeguarding Children in Mountain Huts

### 1. England & Wales

#### Scope and context

These guidelines should not be regarded as definitive. They are intended to help mountaineering clubs to understand the basic requirements of the child safeguarding legislation in relation to the operation of mountain huts.

This document must be read in conjunction with the BMC Child Safeguarding Policy and its Appendix 3, BMC Child Safeguarding Club Guidelines.

All individuals involved in the provision of sport and recreational activities for children have a *duty of care*. All children have a right of protection and in particular the needs of disabled children must be taken into account. This means that all reasonable steps should be taken to minimise the risk of harm or injury to the children. In particular, clubs operating huts that permit children to use their hut(s) must take much more care to run their huts with children in mind, e.g. to have guards over fires and heaters, and guards protecting children against hot cooking surfaces. In the event of an accident involving children officers of the club may be held liable for their injuries or deaths.

**Note:** For further information about child safeguarding, please see the *Safeguarding Children & Vulnerable Adults Policy and Guidelines on the BMC website:*

[www.thebmc.co.uk/Download.aspx?id=11](http://www.thebmc.co.uk/Download.aspx?id=11)

#### Definitions –

**A child** is defined as a person under the age of eighteen by the UN Convention on the Rights of the Child.

#### England & Wales

In England and Wales anyone under the age of eighteen is by law a child.

#### Children – duty of care

When considering under 18s, it is important to make clear precisely who has a duty of care for each child and when that duty is handed from one person to another. Usually, a parent accompanying their child has a duty of care for their own child. However, a parent may, with agreement, pass that duty to another person. Once this has been agreed and the child is handed to or left in the care of another person, the duty of care also passes to that person.

#### Risk and reasonableness

When considering difficult issues there are two questions the club should ask itself –

1. What are the risks to the young people and how can these be managed?
2. What is reasonable in these circumstances and how can we take all reasonable steps to ensure the well being of the young people in our care?

These provide useful guidelines. It is advisable to keep a record of the questions asked and the answers given.

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## ***In loco parentis***

A parent may give consent to anyone they wish to take their child to a hut. This is an arrangement between the parent and the person taking the child. The person taking the child will be acting *in loco parentis* (literally, *in the place of the parents*) and this requires them to exercise a duty of care that would be provided by a reasonably prudent parent.

When taking another person's child to a hut it is wise to inform both the parent(s) and the child about the nature of the activities to be undertaken and any other arrangements so that they can decide whether they are happy with these or decline if they are not.

## **BMC-affiliated clubs**

Affiliated clubs range from those that are a loose collection of friends, who have come together to form a club because they have similar interests, to those that are more formal, with an agreed constitution and rules.

Some clubs do not allow under 18s to join the club or attend meets. There are other clubs that allow under 18s to participate in club activities provided –

- (a) They are accompanied by a parent, or
- (b) They are accompanied by an adult who is *in loco parentis* for a specific child.

On the other hand –

- (c) There are some clubs that do, or may, take under 18s when they are not accompanied by a parent or a specified adult *in loco parentis* for a particular child. These clubs and their officers have additional responsibilities and duties relating to the safety and well being of those under 18s in their care.

**A BMC-affiliated club that allows under 18s to participate in its activities when they are not accompanied by a parent or a specified adult acting *in loco parentis* for a particular child as in (c) above must –**

- **Adopt the BMC Child Safeguarding Policy.**
- **Appoint a Youth Officer with responsibility for safeguarding children within the club.**

## **Supervised groups including under 18s**

Clubs may allow outside groups to use their hut(s), e.g. school parties or Scouts. These clubs should comply with the BMC Safeguarding Children Policy good practice guidelines. These are as follows –

- When children, supervised by adults other than their parents or a specified adult *in loco parentis* for a specified child, are using the hut it is recommended that only properly vetted adults use the hut.
- It is also recommended that there is a designated person, who is identified as such to all present including the children, responsible for safeguarding children issues be present at all times. This may be the person in charge of the group, e.g. the teacher or the club Youth Officer.
- Whenever possible, an adult should not be alone with a child.
- Children should not sleep in the same room as an adult or adults where separate facilities are available.
- There should be separate male and female sleeping areas for children if there are both boys and girls present. When both boys and girls are present there should also be male and female supervising adults.

**N.B.** Those supervising must be properly vetted. The Disclosure and Barring Service (DBS) checking procedure is set out on the back of the BMC Child Safeguarding Policy and can be downloaded free from [www.thebmc.co.uk/Download.aspx?id=11](http://www.thebmc.co.uk/Download.aspx?id=11)

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## Vetting system

The Protection of Freedoms Act 2012 has made a number of changes to the vetting system. The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have been merged into the Disclosure and Barring Service (DBS). The Act also introduced 'Portable record checks'. This new measure ends the need for volunteers to apply for repeated disclosure checks. Volunteers can now have a single check which allows them to work for multiple organisations. A single certificate will be sent only to the applicant.

**N.B.** Before engaging a person in a Regulated Activity a check must be carried out of the barred lists. DBS checks are free for volunteers. In order to obtain a DBS check individuals must apply through the organisation for which they wish to volunteer.

## DBS update service

Those requiring DBS checks can subscribe to the new Update Service when they next apply for a DBS check. By subscribing to this service they can keep their certificates up-to-date. The Update Service is free for volunteers. The service can be joined online. See – [www.gov.uk/dbs](http://www.gov.uk/dbs); [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)

## Regulated activity (RA)

This is work that a barred person must not undertake in relation to children. Anyone who has been barred by the DBS commits a criminal offence if they undertake a regulated activity. An enhanced DBS check will contain details of their barring. RA includes unsupervised activities: teach, train, instruct, care for or supervise children or drive a vehicle only for children. It does not include work by supervised volunteers. Work is a regulated activity only if done on a regular basis, i.e. more than once a week, or on 4 or more days in a 30 day period, or overnight.

## Volunteers

A volunteer will not be undertaking a regulated activity if they are supervised by a regulated activity provider or they are not providing the service regularly. They will not require, therefore, an enhanced DBS check.

## Potential problems for clubs – Youth officers

Clubs will need to determine whether their Youth Officer requires DBS checks. This will depend on whether their work is a 'regulated activity'. Do they carry out their work on a regular basis? If they do so then they will need DBS checks.

If the volunteer is not undertaking a 'regulated activity' then the club will not be able to check whether the volunteer is on the barred list. Clubs may require volunteers to replace vetted youth officers or coaches if they become unavailable, e.g. due to illness.

**N.B.** It is illegal to apply for a check unless the role is eligible for one. You must also tell the volunteer why they are being checked.

## Reporting incidents

With reference to reporting go to –

[www.bmc-insurance-centre.co.uk/report-incident](http://www.bmc-insurance-centre.co.uk/report-incident) and download via the link provided the guidance notes supplied by the insurance broker, Howden: *Abuse:Protocol for the Notification of Circumstances*.

## Abuse and poor practice – Children and vulnerable adults

Incidents concerning allegations of abuse involving BMC members or members of clubs affiliated to the BMC must be reported to the BMC immediately.

Our insurers require the BMC to notify them of any circumstances that may lead to a claim

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against the BMC or a club affiliated to the BMC. Such a claim may arise due to failure by the BMC or a club in respect of its duty of care towards the victim.

## Definitions –

**Abuse** – Any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or to harm. This may not be immediately apparent and a lack of care or an ongoing course of inappropriate conduct could give rise to abuse.

**Poor practice** – Behaviour of an individual in a position of responsibility such as a coach that falls below the organisations required standard. This is typically described in an organisations’s code of conduct. Poor practice is not acceptable but may not be immediately dangerous or harmful.

## Poor practice

There is no need to notify the insurers where the incident is poor practice and no actual harm has been suffered by anyone. However, incidents of poor practice need to be reported to the BMC because the insurers require periodic reports of poor practice from the BMC.

## Notification of reportable incidents

The information should include sufficient detail for the circumstances to be readily identified should a subsequent claim arise. Data can be anonymised to a degree but it is recommended that it should include:

- Initials of the individual alleged to have committed the abuse
- Initials of the alleged victim
- Name of the club
- Date of the incident
- Brief description of the circumstances

## A useful reference

*Safeguarding for volunteer involving organisations* A guide to help you develop a comprehensive approach to safeguarding in your organisation (NCVO)

<https://knowhownonprofit.org/people/volunteers/keeping/ncvosafeguardingforvolunteerinvolvingorgs.pdf>

## Pro-forma documents

The pro-forma documents provided below (pages 6 - 8) may be used by BMC clubs to satisfy their obligations with regard to children staying in their hut(s). Clubs may need to amend these documents to meet their particular requirements. For example, document no. 1 should be amended to identify any risks which are specific to the club hut(s). The text of the .pdf form may be copied and then edited with a word processor.

## Combined liability insurance (CLI)

For comprehensive information about CLI cover provided as a benefit of BMC membership visit [www.bmc-insurance-centre.co.uk/](http://www.bmc-insurance-centre.co.uk/)

**Note:** If viewing this .pdf while online then clicking on any [URL](#) will take you to that website.

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## About Hut Guidelines

These guidelines have been produced by the Huts Group of the British Mountaineering Council and the Huts Advisory Group of Mountaineering Scotland to assist those operating mountain huts in Britain.

Contact the BMC Huts Group by e-mail – [huts@thebmc.co.uk](mailto:huts@thebmc.co.uk) or telephone 0161 445 6111.

Contact the Mountaineering Scotland Huts Advisory Group by e-mail – [huts@mountaineering.scot](mailto:huts@mountaineering.scot)

**Websites:** [www.thebmc.co.uk](http://www.thebmc.co.uk) and [www.mountaineering.scot](http://www.mountaineering.scot)

**URLs:** If any of the [URLs](#) (web addresses) given on the preceding pages are found to be 'dead links' please notify [huts@mountaineering.scot](mailto:huts@mountaineering.scot)

**Disclaimer:** These guidelines were revised on the date shown below and the information herein is believed to be accurate at the time of writing. No responsibility can be accepted for any loss of benefit or entitlement arising through use of these guidelines – they are not intended to be definitive.

***Version no. 5 – April 2018***

These guidelines are updated periodically; to check on the currency of this version go to one of the websites above where the latest version will always be displayed.

Pro-forma documents on pages 6 - 8

# Safeguarding Children in Mountain Huts

Pro-forma document No. 1

## Children in huts – Points for consideration

### General points

Adults can easily note the differences between hut and home and can react accordingly. It is much more difficult for children, especially young ones, for whom this may well be a new environment, and who are unlikely to be able to adapt their behaviour to the different environment easily, if at all. It is not reasonably practicable for clubs to operate their huts like domestic houses and therefore the accommodation and facilities available are likely to differ from those found in homes. It is not reasonable to expect members and their guests to modify their normal behaviour in the hut as soon as they are made aware that a child is present. Parents or guardians should be aware of these differences and their potential implications for children. They must be responsible for the care and control of their charges and it is in this context that parents should take note of the following:

### 1. General safety considerations

- The standards of hygiene and cleanliness may be less than at home.
- Stairwells may be dark, uneven under foot and even slippery when wet.
- There may not be guardrails on the stairs.
- There may not be any covers on electrical sockets.
- There may be open fires; fire guards are to prevent hot fuel falling out, not children falling in!
- Members may walk about with hot kettles and they may not expect to encounter small children.
- Members are likely to leave hot drinks in mugs and cold drinks in glasses on floors or low tables.
- Members are likely to come in late, after some children have gone to bed, and they cannot reasonably be expected to modify their level of speech (or content!).
- Members manoeuvring in congested car parks may drive on the assumption that adults will keep out of their way and they will not expect the presence of small children.

### 2. Accommodation

The sleeping accommodation in huts is provided by individual bunks and alpine-style sleeping platforms (wide bunks sleeping several people). Bunks may be two or even three tier. Dormitories or rooms vary in size considerably. They may sleep between 4 to 20 people. Some huts have family rooms.

### Club Meets

In order to safeguard all members the Meet Leader / Meet Co-ordinator, should discuss with all those present on the meet how the sleeping accommodation should be arranged. It may be arranged in family groups or on a single sex basis, according to the ages of the children and the needs of the group.

On any occasion when a parent or adult is accompanied by children they should be mindful of the need to safeguard children by ensuring that the sleeping arrangements are appropriate for the children and for the needs of the other members and their guests in the huts. Where a hut has family rooms then children can share a room with their parents. Ultimately, if a parent is with their child or an adult who is *in loco parentis* is with a child, they can decide whether they are satisfied and happy with the sleeping arrangements available for the children for whom they are responsible.

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Parents need to bear in mind that there may well be insufficient appropriate accommodation in huts and that they may need to review their plans.

In exceptional circumstances where adults wish to take children for whom they do not have parental responsibility to a hut, they should get permission from the childrens' parents using the parental consent form (see pro-forma document no. 2). A copy of this document should also be given to the parent. The consent form enables parents to provide medical details in an emergency and also outlines to parents the shared nature of accommodation in mountain huts.

## Additional considerations

Identify the risks that are specific to your hut(s). These may include –

- Free access to roads, lanes and farm tracks;
- Free access to a lake, river or stream;
- Free access to deep drainage ditches;
- Unguarded drops from hut, car park, garden, e.g. into a field.

Any child protection issues should be referred to the club's Youth Officer\* who will be able to provide advice and guidance.

Name\* .....

Contact numbers –

Tel ..... Mobile .....

E-mail .....

Pro-forma document No. 2



# Safeguarding Children in Mountain Huts

Pro-forma document No. 2

## BMC HUTS CONSENT FORM FOR ADULTS ACTING *IN LOCO PARENTIS*

### Parental Consent Form

I give consent for my child (full name) .....

to accompany (name of adult\* and his/her family) .....

To (location) .....

On these dates: From..... to .....

1. I have received a copy of the *Children in Huts* guidelines and understand that huts have communal facilities and that these include communal sleeping arrangements.
2. I understand that the above adult will endeavour to ensure that appropriate sleeping accommodation will be arranged for my child with regard to its age and sex and with regard to the needs of other members present.
3. In the event of illness or an accident requiring emergency hospital treatment, I authorise the adult named on this form to sign on my behalf any written form of consent required by the hospital authorities, if the delay required to obtain my signature is considered inadvisable by the doctor or surgeon concerned.

Signed (parent) ..... Date .....

Address.....

Tel ..... Mobile .....

E-mail .....

Signed (adult in *loco parentis* as indicated above\*).....

Date .....

### Details of any medical condition and current medication –

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**N.B.** This form must be completed in duplicate and signed by both parties and a copy given to the adult acting *in loco parentis* before the visit to the hut takes place.