

Policies and Procedures

Disability Discrimination Guidance

October 2005

This note is designed for those welfares that are still having problems about disabled access. This is a very basic summary and for more detailed guidance contact david.thomas@ciswo.org.uk Reference to “welfare” throughout this note includes hived off trading companies and social clubs, as well as the main welfare charity.

With the new Disability Discrimination Act of 2005 (which came into force on 1st April 2005), even the position of private clubs has changed (they are specifically included in the new section 21F inserted in the 1995 Act and discrimination provisions also apply to guests and associate members). Also, the previous exclusions for small employers no longer apply, so almost certainly the full range of disability discrimination provisions now apply to YOUR welfare, whatever its size. This guidance is designed to help welfares start to identify what they need to do to ensure that they comply with the law and with best practice. It is also intended to help those welfares that still have problems understanding the full scope of the legislation. The remainder of this page is a basic checklist, after which some issues are looked at in more detail.

This is only designed as an introduction to the issues around disabled access. Most local authorities and many disabled groups publish guidelines and advice leaflets. If there are concerns about access consult these. There is still relatively little case law and the actual decisions that will be made in practice are difficult to predict, the advice of the Disability Rights Commission is clear though

“Service providers should anticipate everyone’s needs and not just make changes when an individual cannot use their services”

Steps to take

- 1) Review all procedures to make sure you do not discriminate against any disabled person, (whatever the disability), in membership or in allowing them to become (and function effectively as) officers of the welfares. Remember “disabled” can include those who have hearing or vision impairment, mental health problems etc. Change procedures to guarantee equal opportunities for access as members, guests and visitors.**
- 2) Carry out a premises assessment (exterior and interior) and identify all barriers to access. Seek advice from local disabled groups or support agencies.**
- 3) Identify any straightforward works that could be carried out; such as repairs to the car park, providing one or more disabled parking space; use of alternative entrances etc.**
- 4) Carry out all low cost/no cost works immediately.**
- 5) Draw up an action plan outlining all other changes needed.**
- 6) Cost necessary works and identify finance. If finance not available, continue to update and review action plan.**

REMEMBER all reasonable steps must be taken.

Cough Cough - The Smokers' Bill

At the time of writing the Government are just publishing their Bill on smoking. The question about how and where smoking should be banned has been changing daily but they now seem to have decided to go with their original option.

That is to ban smoking in all restaurants, pubs etc where food is served but to allow it in non food pubs and in private clubs. .There are still some questions to be clarified like “what is food?”. Will sandwiches or cold sausage rolls count?

Something welfares need to think about is whether they want to be seen as “private clubs”. Some welfares have had funding for development based on the fact that they are community buildings and open to the public. In the future it is likely that funding bodies will ask about smoking policy when people apply for grants, just as they now ask about child protection or disabled access policies.

Anyone providing facilities where children and young people have access will almost certainly be expected to have a non-smoking policy in place.

While it is too early to panic, and too soon to know exactly what the law will say it is not too early to start thinking about policy and the practical implications. Over the coming months we will keep welfares updated on the progress of the smoking legislation and as soon as we know the final result we will issue guidance to welfares.

Our North Wales welfares, of course, already know that the Welsh Assembly has announced it's intention to ban smoking completely in public places and I think that it is highly likely that even if they don't go that far in England this time, it will happen sooner rather than later here. So be ready for the changes when they come.

The Full Bill can be seen on the internet at

<http://www.publications.parliament.uk/pa/cm200506/cmbills/069/2006069.htm>

Protection Of Children

The Protection Of Children Act (PoCA 1999) sets out guidelines for both the regulated bodies working with children such as children's homes and for other organizations outside of the “regulated” sectors that also “care” for children in one way or another. These organizations include:

- *voluntary organisations through the “uniformed” youth activities (Scouts, Guides, Cadet Forces etc);*
- *national and local youth clubs;*
- *religious organisations;*
- *sporting and leisure groups where activities are undertaken by children.*

Whilst the provisions of the Protection of Children Act 1999 (PoCA) are not made mandatory for these organizations it is the Government's hope that they will make referrals to the scheme. This is to ensure that they provide a comparable level of safety to children in their care as that afforded within the regulated child care sector.

We strongly urge all welfare to that have not yet done so to adopt a child protection policy.

The following outline is designed as a template for those thinking of adopting a policy and we would be happy to advise on detail or amendments needed to meet any specific situation that welfare face.

Name of Charity

CHILDREN AND YOUNG PERSON PROTECTION POLICY STATEMENT

1. The Trustees and Managers of the **(Name) (Registered Charity No.)** recognise that everyone has a responsibility to ensure so far as practicable the protection and safety of ALL children and young persons (being persons who have not yet reached their eighteenth birthday). Whilst **(Name)** is not a child protection agency, we are committed to encouraging the development of best practice within the organisation
2. The intention of this policy is to establish the roles and responsibilities of all managers and staff (including any person, whether paid or not, who is engaged by or carries out functions on our behalf) in relation to the protection of children with whom they come into contact.
3. In accordance with UK legislation and guidance, we recognise that the welfare of children and young persons is paramount and should be safeguarded by protecting them from physical, sexual or emotional harm and from neglect or bullying.

All children and young persons have a right to be safe and to be treated with dignity. False allegations of abuse are relatively rare but it is hoped that guidance, training and support provided by **(Name)** will help to safeguard children, young persons, staff (including volunteers) and **(Name)**, including the avoidance of situations which might be subject to misinterpretation or misunderstanding.
4. We will take all reasonable steps (including consistent relevant recruitment procedures) to ensure so far as practicable that unsuitable persons are prevented from being employed by us or involved as volunteers and working with children and young persons.
5. Where appropriate, we will procure suitable training for relevant staff.
6. **(Name)** will promptly investigate and take appropriate action in all cases of situations involving child protection issues and any staff member or volunteer.
7. The Trustees, will ensure that all staff and volunteers that may come into direct or indirect contact with children and young persons are aware of this policy and understand what is expected of them in relation to the protection of such children and young persons.