

## **Members aged less than eighteen years policy**

### **1. Context**

- 1.1. Imperial College Union has a number of members aged under the age of eighteen. Under the Children's Act 1989 a child is defined as "a person under the age of 18" The Union has a duty of care to these students and must take extra consideration of the fact that they are minors.
- 1.2. As far as is practicable the aim of the Union is to treat members aged under eighteen in the same way as those aged eighteen or over. However, members aged under eighteen are entering an adult environment and therefore must accept that certain restrictions as to their participation in Union activities may be applied.
- 1.3. The UN Convention on the Rights of the Child states "every child has the right to say what they think in all matters affecting them, and to have their views taken seriously". In the context of the Union it is important that suitable opportunities are in place to ensure our members aged less than eighteen have an equal opportunity to voice their opinions.
- 1.4. This document outlines the restrictions and procedures which the Union will apply for members aged sixteen or seventeen and for members aged under sixteen. These procedures are different to those for members aged over eighteen.
- 1.5. For the avoidance of doubt, this policy applies only to the activities of Imperial College Union and its constituent parts. Other arrangements for similar circumstances may be in place in other parts of the College.
- 1.6. The Union will not act in Loco Parentis or provide direct supervision of members aged sixteen or seventeen when participating in activities of the Union.
- 1.7. Section 4 provides significant restrictions on Union activities a member aged less than sixteen can participate in. For clarity, the Union will not act in Loco Parentis or provide direct supervision of members aged less than sixteen for any Union activity they do participate in.
- 1.8. It is the Union's position to deal with members and not their parents or guardians, regardless of the member's age.
- 1.9. The Union will not carry out DBS checks on individuals aged over eighteen who are participating in activities with members aged under eighteen.

### **2. Legal and policy references**

- 2.1. Higher Education Institutions are not specifically named in the Children's Act as having a duty to safeguard and protect children and young people. Schools and FE Colleges do have a statutory duty. However, Higher Education Institutions do have a Common Law duty to take such steps that are reasonable to ensure that children and young people are safe and that reasonably foreseeable harm does not occur.
- 2.2. As noted, the Children's Act 1989 provides the legal definition of a child as "a person under the age of 18". The Health & Safety (Young Persons) Regulations 1997 and the Management of Health & Safety at Work Regulations 1992 outline additional responsibilities when employing anyone under the age of eighteen.
- 2.3. Often the term vulnerable adult is also used when considering procedures in place for safeguarding children. The term vulnerable adult is defined in the Police Act 1997, for the purposes of this document vulnerable adults will not be considered.
- 2.4. The College has two policies which apply to students aged under eighteen:
  - 2.4.1. Minors Policy, which concerns the admission of students aged sixteen or seventeen and the admission of students aged less than sixteen.

- 2.4.2. Child Protection Policy, which concerns the College procedures for child protect and delegates some responsibility to Heads of Departments/Divisions, which includes the Union.
- 2.5. As a condition of admission to the College, a parent or guardian of a potential student is required to sign a declaration. The following elements are of note to the activities of the Union:
  - 2.5.1. The student may not buy alcohol or enter licensed premises<sup>1</sup>.
  - 2.5.2. The student may not hold any positions of responsibility in College clubs or associations.
  - 2.5.3. Consent to the student participating in extracurricular activities that the student determines.
  - 2.5.4. Agree that, if the student is unable to consent and if it is not possible to contact a parent or guardian, the College may authorise emergency medical treatment in the best interests of the student.
- 2.6. Various other pieces of legislation apply to members aged under eighteen, these are referenced in the College's Child Protection Policy.

### **3. Full Members aged sixteen or seventeen**

- 3.1. Trustee positions: These members will not be able to become Trustees of the Union if they are aged sixteen or seventeen on the first day of that term of office.
- 3.2. Elected positions<sup>2</sup>: With the exception of year representative positions in the Academic Reps Network, these members will not be able hold elected office if they are aged sixteen or seventeen on the first day of that term of office.
- 3.3. Voting in elections: These members will be able to vote in any election for which they are part of the electorate.
- 3.4. Employment: These members will not be employed by the Union until they reach the age of eighteen.
- 3.5. Use of venues: These members will not be able to access ticketed events at the Union which involve the potential for the purchase of alcohol; this applies where entry to the venue is controlled. In instances where entry is not controlled these members will be able to access the venues, but strict controls will be in place to control the purchase and consumption of alcohol.
- 3.6. Community Volunteering Scheme: These members will be able to participate in opportunities offered via the Community Volunteering Scheme which have been evaluated as suitable for individuals of their age by the Student Development Manager in conjunction with the opportunity provider. They will not be able to participate in opportunities which have been evaluated as unsuitable for individuals of their age.
- 3.7. Membership of Clubs, Societies & Projects: These members will be able to become members of Clubs, Societies & Projects. Participation in certain activities will require parental consent, see specific notes.
- 3.8. Participation in Increased Risk Activities: These members will be able to participate in increased risk activities subject to a signed parental consent form being provided to the Union.

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<sup>1</sup> Further clarity to the Union's position on use of venues is provided in points 3.5 and 4.5.

<sup>2</sup> This includes committee membership of a Club, Society & Project, other positions within the Academic Representatives Network, committee positions within the Faculty Unions, Union Council, Liberation Officers and any other elected role within the Union.

3.9. Participation in Residential Activities: These members will not be able to participate in residential activities.

3.10. Participation in activities which require specific legal consent: These members will be able to participate in activities which require a specific legal consent subject to that consent being signed by their parent or guardian and a signed parental consent form being provided to the Union.

3.11. Participation in activities outside of the UK: These members will not be able to participate in activities which are taking place outside of the UK.

3.12. Cinema: Members aged sixteen or seventeen will not be permitted to attend screenings of films with a British Board of Film Classification of 18 years of age.

#### **4. Full Members aged less than sixteen**

4.1. Trustee positions: These members will not be able to become Trustees of the Union until they are aged eighteen.

4.2. Elected positions<sup>3</sup>: These members will not be able hold elected office while aged less than sixteen, the conditions in point 3.2 apply once they become sixteen.

4.3. Voting in elections: These members will be able to vote in any election for which they are part of the electorate.

4.4. Employment: These members will not be employed by the Union until they reach the age of eighteen.

4.5. Use of venues: These members will not be able to access ticketed events at the Union which involve the potential for the purchase of alcohol; this applies where entry to the venue is controlled. In instances where entry is not controlled these members will be able to access the venues, but strict controls will be in place to control the purchase and consumption of alcohol.

4.6. Community Volunteering Scheme: These members will not be able to participate in opportunities offered via the Community Volunteering Scheme.

4.7. Membership of Clubs, Societies & Projects: These members will not be able to become members of Clubs, Societies & Projects.

4.8. Participation in Increased Risk Activities: These members will not be able to participate in increased risk activities.

4.9. Participation in Residential Activities: These members will not be able to participate in residential activities.

4.10. Participation in activities which require specific legal consent: These members will not be able to participate in activities which require a specific legal consent.

4.11. Participation in activities outside of the UK: These members will not be able to participate in activities which are taking place outside of the UK.

4.12. Cinema: Members aged less than sixteen will only be permitted to attend screenings of films with a British Board of Film Classification suitable to their age.

#### **5. Associate and Lifetime Associate Members**

5.1. No individual will be entitled to become an associate or lifetime associate member until they reach the age of eighteen<sup>4</sup>.

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<sup>3</sup> This includes committee membership of a Club, Society & Project, all positions within the Academic Representatives Network, committee positions within the Faculty Unions, Union Council, Liberation Officers and any other elected role within the Union.

<sup>4</sup> This will require a minor amendment to the Trustee Board Policy on Associate Membership

## **6. Parental Consent**

- 6.1. Parental consent must be given by a parent or guardian of any full member aged sixteen or seventeen before they can participate in: increased risk activities or activities which also require specific legal consent.
- 6.2. A template parental consent form will be provided for this purpose which will be annually activity specific, but not specific to a club or trip.
- 6.3. The Union has a list of increased risk activities. This list is not exhaustive and may be updated from time to time by the Union's Health & Safety Committee. This list is activity specific, rather than covering individual Clubs, Societies or Projects.
- 6.4. Furthermore, specific one-off activities may be deemed to be high risk and parental consent may be made a requirement.
- 6.5. The Union reserves the right to deem any activity to pose too high a risk, and participation by members aged under eighteen will be not allowed.
- 6.6. If a parent or guardian is not resident in the UK, they must appoint an individual over the age of eighteen who is resident in the UK to act as a contact person.

## **7. Clubs, Societies & Project Committee Responsibilities**

- 7.1. Committee members of Clubs, Societies & Projects have a duty of care towards their members and must take extra precautions with members aged sixteen or seventeen.
- 7.2. The Union will periodically inform Club, Society or Project Chairs/Presidents of the names of any of their members who are aged sixteen or seventeen. This shall include the date at which they will no longer be a minor.
- 7.3. It is recognised that the activities of Clubs, Societies & Projects<sup>5</sup> do not involve only those students who are paid up members. As such it is expected that Club, Society or Project Chairs/Presidents will monitor the involvement of non-members in their activities.
- 7.4. Club, Society or Project Chairs/Presidents are expected to ensure that:
  - 7.4.1. The Union is informed of any students aged sixteen or seventeen participating in their activities who are not members of the Club, Society & Project.
  - 7.4.2. Parental consent has been given for the participation of any students aged sixteen or seventeen in their activities where it is required.
  - 7.4.3. Their risk assessments are reviewed if they have anyone aged sixteen or seventeen involved in their activities.
  - 7.4.4. That anyone under eighteen is not consuming alcohol during their events and activities.
  - 7.4.5. Members aged sixteen or seventeen in their Club, Society or Project are engaged with to ensure that they are not unduly excluded from their activities.

## **8. Other matters**

- 8.1. Further guidance will be developed to cover Union activities which involve working with people aged under eighteen who are not members of the Union.
- 8.2. In areas of ambiguity or for circumstances not covered in this document consultation should be undertaken with the most appropriate member of the Senior Management Team.

PP – November 2013

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<sup>5</sup> Activities of Clubs, Societies & Projects are taken to include, but not necessarily limited to, activities organised by or in the name of the Club, Society or Project. These include activities which make use of space, facilities, IT infrastructure, equipment or funding provided by the Union or the College.