

Children in Gyms

Introduction

The number of overweight and obese children in the UK has increased over the past 30 years. The 2007 Health Survey for England reports three in 10 boys and girls aged two-15 as either overweight or obese; this has led to a general upsurge in the number of leisure facilities and fitness facilities putting on activities especially for children.

However the issues relating to safety and ethics surrounding the participation of children in activities at any facility are indeed complex. In order to add clarity to the current confusion over what is, and what is not required/recommended, a steering group was established and this guidance document was created, which enlisted the help of a range of experts (acknowledge on page XX).

The decision as to whether to encourage/allow children into your facility is ultimately the choice of the operator, however should you wish to encourage physical activity for young people at your facility, we hope that this guidance will assist you to do so safely and ethically.

For the purposes of this guidance document and specifically for safeguarding purposes, England, Wales, Northern Ireland and Scotland each have their own guidance setting out the duties and responsibilities of organisations to keep children safe, but they all agree that **a child is anyone who has not yet reached their 18th birthday** (NSPCC 2008).

For the avoidance of confusion the advice in this document will be relevant to any child participating in activities either in an exercise class or in the fitness room at any gym/leisure centre/fitness facility including visits through sports clubs e.g. Gymnastic or Football teams.

Staff qualifications

The following guidance covers the REPs categories and qualification levels for instructing gym-based exercise* to children and young people.

* The guidance in this note applies equally to Exercise to Music and Gym- Based Exercise. Gym-based exercise can be replaced with exercise to music and the same guidance applies.

1. For incidental use of gym/class by a young person – i.e. not child specific activities

Instructing exercise to young people (age 14-17) in a gym as part of public/adult sessions

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- All gym instructors/personal trainers who hold a qualification which is recognised on the qualification and credit framework (QCF), post 2009, are qualified to adapt their mainstream session to accommodate the occasional 14-17 year old participant;
- all Level 2 gym instructor and Level 3 personal trainer qualifications contain the knowledge to support this;
- gym instructors/personal trainers who do not hold the above qualification should undertake the REPs on-line special populations up-skilling CPD which covers the content on exercise for 14-17 year olds which is now in the current QCF qualifications.

2. For child specific activities

Instructing exercise to children/young people age 14-17 in specialist gym-based exercise sessions or instructing gym-based exercise to children age 11 - 14

Fitness instructors should hold:

- a new QCF gym instructor or personal trainer qualification (or an older qualification and undertake the on-line up-skilling CPD);
- a specific QCF qualification or SkillsActive endorsed CPD training course in gym based exercise for children/adolescents.

The following is also recommended for instructors working in this area:

- a QCF Level 2 certificate in Fitness Instructing (Instructing health related exercise and physical activity to children) qualification and gain the relevant REPs category for Physical Activity for Children.

Under 11s

The qualification above is a separate REPs entry category at Level 2 for Physical Activity for Children, this category is about providing physical activity to children outside of a gym or studio. The category is based on national occupational standards and QCF qualifications and covers physical activity for five-11 year olds.

Supervision

We strongly recommend that under 16's are always supervised by an instructor. Suggested staff ratios are:

1:4 if using free weights directly

1:20 for group exercise

Free weights should be used with caution when training children. Where at all possible bodyweight exercises should be used instead. Any exercises performed with free weights by children should only be done under close supervision by a qualified instructor

Pre-screening

All children/young people should, under the supervision of a guardian, fill in a 'Youth Specific' medical pre-screening document (for example, HCS or PAR-Q) before undertaking physical activity. For children working out independently of a group, a needs analysis will need to be undertaken by an instructor who is qualified to deliver children's physical activity. The parent or guardian's signature will also be required.

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Insurance

Instructor

All REPs members are required to hold adequate civil liability insurance which covers legal liability for death, injury or illness to others and loss of, or damage to, third party property. The Register requires fitness professionals to hold an annual liability policy with a minimum indemnity of £5,000,000.

Facility

The facility must hold the appropriate Public Liability Insurance and inform their insurers that there will be children on site taking part in activity.

Safeguarding

Safeguarding children within your centre is of paramount importance. In order to do this it will be necessary to undertake a **Criminal Records Bureau (CRB) check on staff who are in 'Regulated' activity relating to children**. Other staff may not need checking, please follow the below link for further information (Appendix 1, below).

Marketing

We would urge you as part of your organisation's corporate social responsibility (CSR) strategy to adopt a responsible attitude towards advertising to attract children to your facilities.

The Chartered Institute of Marketing (CIM) has the following advice when it comes to marketing to children. It states that responsible marketing:

- does not promote that is or is widely believed to be, bad for a minor's physical or mental health;
- does not sexualise, or is not perceived to sexualise, minors;
- does not bombard children or parents with repeated messages;
- does not make a product or service seem to enhance qualities that it does not actually do, or create situations where a child cannot distinguish between puffery and reality;
- does not conceal a commercial message as a view of non-commercial organisations or individuals; and does not engage in stealth marketing where peers would reasonably regard the view as that of the child rather than the company, even if the child has stated they are taking part in a project and have parental consent;
- does not intentionally mislead;
- applies reasonable objectivity in grey areas;
- where there is any doubt, promotes the product or service to the adult and not the minor.

In addition, the Committee of Advertising Practice Code (CAP) also forbids advertising which:

- makes children feel unpopular or belittled for not buying a product or service;
- encourages children to use 'pester power';
- undermines parental authority.

NB: In terms of advertising children are defined as individuals under 16.

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Specific laws and regulations to be aware of relating to advertising to children include:

- consumer protection from Unfair Trading Regulations (UK implementation of the UCPD);
- CAP and BCAP codes, and their extension to websites as of 1st March 2011;
- COPPA (Children's Online Privacy Protection Act).

Equipment

Under 11's should only use equipment which is child specific, those children aged over 11 should only use equipment designed for adults with caution and following a risk assessment. Operators are encouraged to check the manufacturer's instructions and to ensure that all equipment in their facilities complies with current British and European Standards.

Further information

Safeguarding

Direct Gov - www.direct.gov.uk/en/Employment/Startinganewjob/DG_195809

Home Office - www.homeoffice.gov.uk/agencies-public-bodies/crb/

Disclosure Scotland - www.disclosurescotland.co.uk/

CRB Wales - <http://crbwales.co.uk/whatisaCRB.html>

Access Northern Ireland - www.dojni.gov.uk/accessni

IMSPA courses - www.imspa.co.uk/education/educarelanding.html

NSPCC - <http://tinyurl.com/2u44l83>

Equipment

British Standards - <http://shop.bsigroup.com/>

European Standards - www.cen.eu/cen/pages/default.aspx

Qualifications

REPS - www.exerciseregister.org/

SkillsActive - www.skillsactive.com/

Physical Activity for children and schools

BASES - www.bases.org.uk

AFPE - www.afpe.org.uk/

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Appendix 1

Who should be checked?

Leisure centres/health clubs/gyms (excludes schools) are not listed as establishments in the Safeguarding Vulnerable Groups Act 2006 and therefore all roles must be assessed on the nature of the duties the individual will carry out, i.e. training, teaching, instructing and supervising children.

Part of this assessment will be to establish whether the activity taking place is considered to be a 'regulated' activity relating to children. To satisfy the criteria the activity should be:

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- (a) Any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;
- (b) Any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
- (c) Any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
- (d) Any form of treatment or therapy provided for a child;
- (e) Driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.

There are also a range of specified establishments which are 'child specific' which require automatic registration of all staff. If you are unsure if your organisation is one of these check the 'Home Office' website.

Here are some examples of who is and who is not required for a CRB check in a Leisure Centre or Fitness Club:

Scenario A

There is an aerobics class for young mothers with no childcare facility. Some mothers bring their children along and the children may join in. This is classed as incidental contact with children and the instructor is therefore not required to have a CRB check.

Scenario B

There is a weekly dance class for children aged 18 and under. The instructor meets the criteria and is eligible for a CRB check even if the children in the class may differ from week to week.

Scenario C

An NHS trust makes arrangements with a leisure centre to provide weekly classes for children or adults as part of a care package in relation to their specific needs. Where the same instructor takes the class, the instructor is eligible for a CRB check.

Scenario D

The leisure centre allows members of the public to hire its premises. A local football club hires a hall for eight weeks to carry out training for the 'under 15' team. The centre insists that they have to carry out a CRB check for insurance purposes before they can allow him to hire the hall. There is no exemption which allows the leisure centre to insist on a check for insurance/hire purposes.

Scenario E

A leisure centre wants to CRB check their administration, maintenance, catering and cleaning staff as they have opportunity for contact with children/vulnerable adults and may wear the centre uniform so they are seen as a "person of trust". The contact with these groups is of an incidental nature while they are carrying out their main tasks. If the nature of their duties does not include direct teaching, training, supervising of children or vulnerable adults as described above then it

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would be an offence under the Police Act 1997 to submit a CRB check on their behalf.

In summary, activities in a leisure centre which are open to the general public are not covered by any exceptions in legislation and, therefore, unless a class or event has been organised wholly or mainly for children or vulnerable adults, the instructor/facilitator would not meet the criteria for a CRB check.

Additional responsibilities under the Vetting and Barring scheme:

- If your organisation works with children or vulnerable adults and you dismiss or remove a member of staff or a volunteer because they have harmed a child or vulnerable adult (or there is a risk of harm), or you would have done so if they had not left, you must tell the Independent Safeguarding Authority.
- A person who is barred by the ISA from working with children or vulnerable adults will be breaking the law if they work or volunteer, or try to work or volunteer with those groups.
- An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law.
- Safeguarding children cannot be done effectively by the sole use of CRB checks. In addition we would urge operators to ensure that your organisation:
 - has a safeguarding policy;
 - practices safer recruitment and selection;
 - has staff trained with the appropriate skills (For Safeguarding and Child Protection awareness training courses from IMSPA, approved by the NSPCC, see further information).

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