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**Chaperoning**

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This guide was designed to answer some basic questions, but there will be occasions where further clarity and depth, especially with regard to the Regulations, will be required and for this you should contact either: your chaperone licensing authority, the child’s licensing authority or the authority where a performance is taking place.

LA means Local Authority (local council).

## Chaperoning skills and child protection

The law (regulation 15) states that:
(1) A licensing authority must approve a person to be a chaperone to—

(a) have care and control of the child; and

(b) safeguard, support and promote the wellbeing of the child, whilst the child is taking part in an activity, performance, or rehearsal or whilst the child is living elsewhere than the place the child would otherwise live during the period to which the licence applies.

* The child will be working in a very ‘adult’ environment and you need to be able to ensure that they understand what is expected of them, taking into account their age and experience.
* Be aware of a child’s concentration span, their exposure to adult conversations, expectations, peer pressure and relationships with other adults and children in the production.
* Health & Safety issues on stage or on set i.e. smoking policy, electrical equipment such as sound equipment and cameras which can all be very dangerous. Children should not be allowed to ‘play’ where this or other types of equipment or props are used.
* The child may not be ‘in school’ but that doesn’t mean the hours they are tutored are less important than those spent at school (3 hours maximum tutoring required on a school day). Be alert—do not ‘over educate’.
* You need to be able to tell when the child is ill, tired or upset. Don’t disregard a child in order to meet the production’s schedule. Remember, children are not ‘little adults’, it can often be difficult for children to communicate their feelings in a way in which adults understand, therefore, you will be the intermediary between them and the production company.
* The concentration span of a child is far shorter than that of most adults (depending on age) therefore you will need the skills to be able to occupy or enable them to occupy, their non-performance/non-tutoring time which is especially important during filming and when on location. This may include physical activities or it may be that the child should rest.
* Different skills will be required when chaperoning in a theatre as opposed to a film set or on location. There is much more ‘hanging about’ time during filming and the weather may lead to the child being confined in a caravan or rest area for quite long periods – remember their energy level is far higher than ours and the children may need more individual attention.
* Bullying – you must always be aware of bullying as it can be very subtle. It may be easy to spot a physical fight or sideways kick but it’s not always quite so easy to spot the odd word or joke directed, albeit innocently, towards one particular child. This sort of behavior should be ‘nipped in the bud’ immediately otherwise it could affect both the child and the production.
* Has the company got a **Child Protection Policy?** Ascertain who the nominated contact person with child protection training or experience is, as a point of reference for both staff and chaperones.
* Safe Practice - All production staff, actors, cast, crew and chaperones (including dressers and makeup) should be mindful of their conduct around children. Any unnecessary physical contact should be avoided, as it could be misconstrued, either by the child themselves or by others. Be sensible, you should never leave a child alone with other adults or put yourself in a vulnerable position.

## Serious child protection Issues

* If a child discloses that he/she is being harmed in some way listen to the child, and reassure them. Take seriously what they tell you: children rarely tell lies about such matters. Explain that you can’t keep the information secret, but must pass it on to others who are in a position to help to stop the harm or abuse. Don’t interrogate the child and be careful not to ask leading questions. Try to convey to the child that they are not to blame for what has happened, though at the same time avoiding criticising the abuser. Don’t make promises that you can’t keep, but tell the child what you are going to do.
* **What else might I notice?**

There are many signs of abuse. For example, a child might have physical injuries for which he/she has no convincing explanation, or seem unusually fearful of adults. Children experiencing abuse show marked changes in their ability to concentrate, their demeanor etc.

* **If you are concerned over a child, speak to your production contact. This person may not be present at the location but the production company should have someone in this role on location/set. You should discuss your concerns with them without delay. If not, seek advice from our Child Employment & Performance Officer on 01634 337310. Following this initial discussion, you may need to refer the child to the Social Care Referral & Assessment Team 01634 337 333.**

 **If you believe a child to be in immediate danger and you cannot contact one of the above for advice, or it is ‘out of hours’ make the referral directly to Social Care by contacting the following numbers:**

 **Daytime 01634 334466** or **Evenings Out of Hours 03000 419191**

* Serious concerns need to be recorded. Always make a clear, written account of any Child Protection concerns you may have making sure that you identify the child giving full name, date of birth and home address. As far as possible, record the actual words used by the child. Keep this, together with any other notes you may have made, in a secure place. If you make a referral to Social Care, copies of your records should be passed to them.
* If an allegation is made against an adult, full co-operation will be sought from those in charge, the individual concerned and the licensing authority. In the case of serious allegations it will be necessary to suspend the individual immediately until the investigation is concluded. It may also be appropriate to exclude that individual from the theatre, rehearsal room, location, film set etc. or ensure they do not have unsupervised contact with children. The child should not be removed unless the situation is such that, in the child’s best interest, he/she needs/wants to be returned home.
* **What should I do to make sure no false allegations are made about me?** Every adult working with children on a one-to-one basis is vulnerable to accusations. Be especially careful about touching children, always seeking their permission first, and never touching the chest area or the legs. Outside your chaperone role never make additional arrangements to meet a child on their own without their parents’ permission, and do not exchange e-mails or text message or mobile phone numbers with them. Be cautious of accepting friend requests from young people on social networking websites and avoid being over-familiar, as this can easily be misinterpreted by a young person. This also applies to production staff, whether directors, producers, actors, dressers etc.
* Finally, remember performing should be an enjoyable experience for the child and for you. Good communication and negotiating skills, be they with the child or with the variety of adults involved in the production, is vital.

## Chaperone registration – Regulation 15

Application for a Chaperone Licence must be made to the LA in whose area you reside. You need to contact the Attendance Advisory Service office for the necessary forms.

• Complete application.

• Contact the Attendance Advisory Service office to make an appointment for interview on 01634 337 310.

• Bring the completed documents to the appointment, together with 2 passport sized photographs and the 3 Identity documents required.

• You must bring all the documents (not photocopies) into the office in person.

• Online DBS details are then sent to your email to complete. If you wish to check the progress of your DBS go to [www.disclosure.gov.uk](http://www.disclosure.gov.uk).
You will need your DBS form reference number & your date of birth.

• You will receive your DBS certificate directly. We no longer receive a copy of your DBS, it is the applicant’s responsibility to inform us of receipt.

• Once we receive your notification of receipt of the DBS we will arrange a training and guidance session and prepare your Chaperone Licence which is valid for 3 years from the date of issue on the DBS. Once the training has been delivered, the licence is issued.

• **At least 3 months before the licence expires it is your responsibility to re-apply for a new licence to ensure you are always licensed for chaperoning.**

**KEEP YOUR LICENCE WITH YOU AT ALL TIMES WHEN WORKING AS PROOF OF CHAPERONE REGISTRATION**

## Responsibilities

Your FIRST responsibility is to the child in your care. While you are chaperoning you should not be performing any other duties. Remember, you are in loco parentis (except when the child is in the care of a tutor).

It is your responsibility, together with the Performance Licence Holder, to ensure that the Regulations (and any additional requirements/proviso placed on the licence by the child’s Licensing Authority or inspecting Local Authority) are upheld at all times.

You may find yourself under pressure, by the production company to relax the Regulations due to re-scheduling, but you must remember that your first duty is to the care of the child. Having a good knowledge of the Regulations, knowing where to go for help and advice coupled with firm negotiating skills are all crucial elements to good chaperoning.

Remember if things ‘aren’t right’ and you object, you are not ‘creating a fuss’. The reason and expectation behind your LA issuing you with a chaperone licence is in order to care and protect the child. You may fear that if you object the ‘company’ will not employ you again - We are aware that this can be a real fear but it should not override your main responsibility, which is to the child/children in your care. Please report any incidents to your licensing authority to enable them to follow-up with the company concerned. We will back you up, but we need you to let us know what’s going on. We hope and trust you will inform us of any incidents or occurrences (no matter how small or incidental) which cause or have caused concern during your chaperoning activities. There is a simple log sheet attached which you should complete and send in to us.

1. You should be with the child at all times whether on set, stage area, dressing rooms, recreation, meal & break areas etc. You are the individual to whom the child looks for protection, clarification and support – you are the key to a happy performing experience. If the facilities are ‘lacking’ you should negotiate better facilities with the production team. Children are not ‘add ons’ to a production, their care is paramount at all times. You can obtain additional support from your licensing LA, the child’s licensing LA or the LA in whose area the performance is taking place.
2. The law states that the maximum number of children in your care should not exceed 12. In a lot of instances 12 may be far too high if there are several very young children and several adolescents, and especially if the children are living away from home, as they would need more individual attention. These factors should be taken into account when deciding on the number of children you agree to chaperone. **We would strongly recommend, for all types of performances, a maximum of 6 children per Chaperone, providing you with a higher standard of care to the children.**
3. Although a maximum length of time for travelling is not laid down in the Regulations, due consideration should be given to the child’s age, the length of time at the place of performance and the duration of the production. Therefore, taking into account the child’s welfare, it may be more sensible for a production company to schedule each child’s performance days in blocks per week rather than an odd day here and there throughout a week, or provide accommodation nearer to where the performance is taking place rather than travelling several hours each day or every other day and attending school in between. Remember, schedules can be amended if they are not working satisfactorily. If the travelling is proving problematic for the child you could raise this with Production Company and perhaps agree accommodation in a hotel.

4. Living away from home – the Chaperone is responsible for the child. This includes seeing that the child’s lodgings are satisfactory in every way; and that the child is properly occupied during his/her spare time. Generally, you may need to exercise a greater amount of supervision than if the child was living at home. Again, if there are problems here which cannot be resolved, contact the child’s licensing LA, or the LA in whose area the performance is taking place.

1. Illness or injury – at no time should a child perform when unwell. If a child falls ill or is injured while in the Chaperone’s or Tutor’s charge, medical assistance must be gained and the parent/guardian and licensing LA informed immediately. Always have a contact number for parents.
2. **Dangerous Performances - These must be authorised before a licence is issued.** If you think a performance is dangerous and not authorised STOP, THINK, CONSULT with the production company and their Health & Safety officer. If you believe what is being asked of the child is still unacceptable STOP the performance until you are satisfied. It may help to talk to the LA in whose area the performance is taking place, the local Environmental Health Officer or the theatre/studio Health & Safety officer. The production will know who these people are and will have their contact numbers.

## Licence holder responsibilities

 Records, Ref.39(5) should be available to a visiting officer of the LA by the production company. Chaperones are often designated, by the production company, to keep these records in respect of the child:-

• times child is at place of performance (arrivals/departures)

• times child performs and/or rehearses

• times child has breaks and meals

• times child is waiting between performances, i.e. re-scheduling

## REGULATIONS

## The Children (Performance & Activities) (England) Regulations 2014

This section is a copy of the regulations as laid out in the act above, please refer to these if you are ever unsure of a situation. Alternatively, contact the LA in which the performance is taking place, the LA that issued your licence or the LA that issued the child’s performance licence.

### 1.1 Licensing requirement

**1.1.1** Under section 37 of the 1963 Act, a licence must be obtained before a child can take part in certain types of performance and activities in Great Britain. This includes:

• any performance for which a charge is made, whether for admission or otherwise;

• performances on premises licensed to sell alcohol, for example in a hotel, a pub, a theatre;

• any live broadcast performance, for example a television or radio broadcast, internet streaming;

• any performance recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for public exhibition.8 For example a live stage performance recorded for a cinema screening, a feature film, a video or sound recording of a performance on a website. (Note that this does not extend to user generated content, for e.g. where young people or a family record themselves and share it on a website or social media);

• when children take part in sport or modelling for which payment is made (to the child or to someone else in respect of the child taking part) other than expenses.

**1.1.2** It should be noted that:

• a performance licence may be required whether or not the child is paid;

• amateur groups, musical performances, student productions or films are not exempt from the requirements;

• licensing requirements apply only to children under the upper limit of compulsory school age (as defined by section 8(3) of the Education Act 1996) (i.e. as a general rule up to the last Friday in June in the school year in which they have their 16th birthday).

### 1.2 Rehearsals and warm ups for performances

**1.2.1** Rehearsals taking place from the first to the last day of the performance period require a licence and are subject to the same restrictions and conditions as performances. A child may not take part in performances, including such rehearsals, on more than 6 consecutive days. Any rehearsal on the day of a performance or activity counts towards the permitted hours the child can be at the place of performance or activity. Warm-up time should be taken into account when assessing the amount of time that a child spends in rehearsal (see 4.4).

**1.2.2** The licensing requirements of the Act do not apply to rehearsals that take place before the first day of performance. When considering an application for a licence, and in order to satisfy itself that the child’s education and well-being will not suffer, the licensing authority should have regard to the amount of rehearsals before the first day of performance. The regulations require that information as to the dates, places, approximate duration of and proposed arrangements in relation to rehearsals taking place at any time before the first day of performance must be provided as part of the application for a licence.

**1.2.3** The licensing authority can place conditions on the licence to protect the child’s education or wellbeing, where they have reason to believe that the overall schedule might otherwise have a negative impact on the child (the sector led best practice provides some examples).

### 1.3 Exemptions from the licensing requirement for performances

**1.3.1** Exemptions are set out in section 37(3) of the 1963 Act, which only apply **where no payment in respect of the child taking part in the performance is made** to the child or another person, other than expenses. These exemptions do not apply to paid sport or paid modelling. The exemptions are:

### The ‘four day rule’

**1.3.2** Under section 37(3)(a) of the 1963 Act, if a child has not performed on more than 3 days in the last 6 months, they will not need a licence for performance on a fourth day. Once a child has performed on 4 days in a 6 month period (in any performance, regardless of whether a licence was in place on any of those days or the child was taking part in a performance arranged under a body of persons approval – see 1.3.7) then a licence is required for any further performances (unless one of the other exemptions referred to below applies).

**1.3.3** If a child is to be absent from school this exemption cannot be relied upon: a licence will be required.

**1.3.4** Where the four day rule exemption is relied upon, certain conditions and restrictions will still apply to the performance (see section 4).

**1.3.5** It is a legal requirement to seek a licence when one is required and any person who causes or procures any child to do anything in contravention of the licensing requirement commits an offence and may be subject to a fine, imprisonment or both. If a producer is relying on the four day rule as a basis for not applying for a licence, they should have reasonable grounds for believing the child has not performed on more than 3 days in the previous 6 months.

### Performances given under arrangements made by a school

**1.3.6** Under section 37(3)(b) of the 1963 Act, a licence is not required where the performance in which the child is taking part is given under **arrangements made by a school**. The deciding factor is whether the school is responsible for organising and producing the performance. The school in question has to fall within the meaning of a ‘school’ in the relevant Education Acts i.e. an educational institution that provides primary and/or secondary education.

### BODY of PERSONS Approval (BoPA)

**1.3.7** Also under section 37(3)(b) of the 1963 Act, a licence is not required where a performance is given under arrangements made by a ‘body of persons’ approved by the local authority in whose area the performance takes place or, in a few exceptional circumstances, by the Secretary of State.

### What is a BOPA?

• A BOPA can be issued for an organisation (known as a ‘body of persons’ for these purposes) for a specific performance or for a limited period of time as set out in the approval, to put on performances involving children.

• The granting of a BOPA to an organisation replaces the need to apply for individual licences from each child’s home local authority during the period of approval – as long as the BOPA criteria and conditions continue to be fulfilled.

### Who can apply?

• The organisation responsible for putting on the performance, and for ensuring the safety and wellbeing of the children taking part, must apply.

• Any type of organization can apply; it doesn’t matter if they are a professional company, amateur group, stage or broadcast - as long as no payment (other than expenses) is made for the child to take part.

### Who can issue a BOPA?

• BOPAs are issued by the local authority where the performance is taking place.

• The Secretary of State has the power to issue a BOPA, but will not generally consider applications. This is because local authorities are better placed to assess arrangements made to safeguard children in local activities, to inspect those arrangements and enforce any requirements or conditions intended to protect children.

• The Secretary of State will not consider any applications that do not involve a large number of performances with a large number of children across a significant number of local authority areas.

### What needs to be considered?

• The decision whether to issue a BOPA is at the discretion of the local authority (or Secretary of State). They would want assurance that the body had clear, robust and well embedded policies for safeguarding children.

• A BOPA does not authorise absence from school for any child involved in the performances. If the performance involves absence from school that should be approved by the school – but see 3.2 in respect of the ability to approve absence from school.

• Where a performance is taking place under the auspices of a BOPA, the legislation does not require that the child be supervised by a chaperone approved by that local authority.

### 1.4 Applying for a licence

**1.4.1** Where a child is resident in Great Britain (i.e. England, Scotland or Wales) and the performance is to take place in Great Britain, an application for a licence must be submitted to the child’s home local authority. Local authorities are responsible for the administration of licences. This sits alongside their overall responsibility for safeguarding children. (For performances or activities outside of Great Britain, see sct. 7).

**1.4.2** Where a child does not live in Great Britain, the application must be made to the local authority in whose area the applicant lives or has their place of business. This includes all performances that take place in England, Scotland and Wales and this means, for example, that where a child is resident in Northern Ireland or the Republic of Ireland, the licence application should be submitted to the local authority where the responsible person either resides or has his place of business.

**1.4.3** The legislation does not specify where the application should be made if the responsible person has no residence or place of business in England. However, there is still a licence requirement (see sector led best practice).

**1.4.4** The person responsible for organising, producing or running the activity or for the production of the performance in which the child is to take part should be the person who applies, in writing, for the licence where one is required. For the purposes of this advice, we shall refer to him/her as the “responsible person”. The responsible person should apply for the licence, is the holder of the licence once it is issued, and is accountable for ensuring its conditions are met.

**1.4.5** A third party who is not responsible or accountable for the arrangements of a performance or activity, and cannot take operational decisions during the course of that performance or activity for the purpose of protecting the child and ensuring their wellbeing, cannot sign the application or be the holder of the licence.

**1.4.6** The information and documentation that must be included with an application are set out in Schedule 2 to the regulations. Where any information that is required by the regulations is unavailable, applicants should indicate this to the local authority to which the application is being made, including reasons why the information is not available. This should not, however, prevent a local authority from processing the application where good reasons are available as to the lack of that information.

**1.4.7** Licensing is not simply a paper exercise: someone with the authority to make or change the arrangements during the performance or activity must be legally accountable for ensuring safeguarding arrangements are made and adhered to.

### 1.5 What is the timescale for getting a licence?

**1.5.1** The responsible person must submit a licence application to the relevant local authority, allowing sufficient time for the local authority to consider and process it. A local authority may refuse to consider an application if the performance or activity is less than **21 days** away. Responsible persons should consider the risks to children and the arrangements needed to mitigate them at the start of planning for any performance or activity. Safeguarding children must not be an afterthought.

**1.5.2** Business practice might demand and expect a more rapid turnaround of licence applications. Adoption of best practice – by applicants and licensing authorities - can help speed the process. Licensing authorities need a realistic and reasonable amount of time to assess licence applications and satisfy themselves about the arrangements for safeguarding the child: this must take priority over any business or operational concerns.

### 1.6 Granting a licence

**1.6.1** Under section 37(4) of the 1963 Act, a licence must only be granted by the local authority to which the application is submitted once it is assured that:

• the child’s education, health and wellbeing will not suffer; and

• the conditions of the licence will be observed.

### 1.7 Conditions that may be placed on a licence application

**1.7.1** Under regulation 5, a licensing authority **must** impose any conditions it considers necessary to ensure the child is fit to take part in the performance or activity, that there will be proper provision for the child’s wellbeing and that the child’s education will not suffer (so that it is able to comply with its duty under section 37(4)). For example, such conditions may include conditions specific to transport and travelling to and from the place of performance or activity.

**1.7.2** Where the applicant is unable to specify the dates of the performance or activity then, if the licensing authority decides to grant a licence, it **must** impose a condition that the child can only take part in that performance or activity for a specified number of days within a 6 month period. In practice this is often referred to as an ‘open licence’. A licence can only be issued to the responsible person for a specific performance or activity. There is no such thing as an ‘open licence’ with regard to, for example, different modelling jobs. Best practice can, however, be adopted by licensing authorities to streamline and speed up the application process, to enable children to take up opportunities that may arise at short notice.

**1.7.3** In addition, the local authority may impose conditions in respect of:

• any earnings the child receives in relation to taking part in the performance or activity;

• any accommodation in which the child will live whilst taking part in the performance or activity where the child is required to live away from home; and

• the place where the performance, rehearsal or activity is to take place.

### 1.8 Turning down a licence application

**1.8.1** If a local authority refuses to grant a licence it **must** provide the reason(s) for this decision, in writing (see section 39(6) of the 1963 Act). The responsible person may appeal to a magistrates’ court against the refusal, revocation or variation, and against any condition under which a licence is granted or an approval is given (where the condition is not one that the local authority are required, under the legislation, to impose).

### 2. General requirements

**2.1** The regulations set out detailed requirements that must be met when a child takes part in a performance or activity under a licence, or where a child is performing without the need for a licence because of the exemption under section 37(3)(a) of the 1963 Act. These restrictions can be broken down into three categories:

1) General requirements applicable to all licensed performances or activities set out in Part 3 of the regulations;

2) Restrictions in relation to all performances (i.e. all licensed performances and all performances exempted under section 37(3)(a) of the Act) set out in Part 4 of the regulations; and

3) Restrictions and exceptions in relation to all licensed performances set out in Part V of the regulations.

### 3. General requirements applicable to all licensed performances or activities

### 3.1 Regulation 13 - Education

**3.1.1** Under section 37(4) of the 1963 Act and regulation 13, the local authority to whom the application is submitted must not grant a licence unless it is satisfied that the child’s education will not suffer as a result of taking part in a performance or activities for which the licence is requested.

**3.1.2** Where arrangements are made for the education of the child during the term of the licence (i.e. because the child will be absent from school), these arrangements must be approved by the local authority. The local authority must be satisfied that the course of study and private teacher are suitable for the child in question, and that the numbers of children to be taught by the private teacher at the same time do not exceed the limits set out in regulation 13(3) (d).

**3.1.3** The responsible person must ensure that where such arrangements are approved by the licensing authority, these arrangements are carried out.

**3.1.4** Where arrangements are made for the education of the child, the child must receive education that, when taken together over the term of the licence, amounts to a minimum of 3 hours per day that the child would be required to attend a school maintained by the local authority issuing the licence.

This is regardless of what type of school that particular child normally attends.

**3.1.5** Regulation 13(4) provides that this requirement will be met if the child receives education:

• for not less than 6 hours a week; and

• during each complete period of 4 weeks (or if there is a period of less than 4 weeks, then during that period) for periods of time not less than the aggregate periods required by regulation 13(3)(e) (i.e. not less than 3 hours on each day); and

• on days on which the child would be required to attend school if he/she were attending a school maintained by the local authority (i.e. usual school days); and

• for not more than 5 hours on any such day.

**3.1.6** To illustrate this, if a child would be attending a maintained school for five days a week, over a four week period, a child would be required to undertake sixty hours education (three hours x five days x four weeks). This could be provided as follows:

• Week One – six hours (not more than five hours in any one day)

• Week Two – six hours (not more than five hours in any one day)

• Week Three – twenty-four hours (five hours on four days + four hours on one day)

• Week Four – twenty-four hours (five hours on four days + four hours on one day)

• TOTAL – sixty hours.

**3.1.7** Regulation 13(3) applies to the provision of education by a private tutor. However, the last limb does not specifically state that the periods of education have to be provided by the private tutor so licensing authorities may be content to approve arrangements that include some of the education being provided at a school.

### 3.2 Absence from school

**3.2.1** In accordance with section 37(7) of the 1963 Act, where a licence is issued and it specifies the dates that a child is to be away from school to perform then the child’s absence from school is deemed to have been granted such that permission is not needed from the school.

**3.2.2** In circumstances where a licence is issued and the terms of the licence do not specify dates (i.e. an ‘open’ licence, see 1.7.2), then if the child attends an independent school (including academies and free schools) it is at the discretion of the head teacher to authorise the leave of absence for each date. A child should not be absent from school to take part in a performance or activity without such approval. This will also apply to any performance the child is taking part in to which an exemption under section 37(3) applies.

**3.2.3** For local authority maintained schools and special schools not maintained by the local authority15, a child may not be absent from school in order to perform or to take part in paid sport or modelling unless a licence has been obtained from the child’s local authority16. In practice, this means that unless the performance or activity is taking place outside of school hours (for example at a weekend or during school holidays), a child may not rely upon one of the exemptions in section 37(3) in order to perform as the head teacher may only authorize absence for a child to take part in a performance or activity for which a licence has been obtained.

### 3.3 Regulation 15 - Chaperones

**3.3.1** A child performing, rehearsing for a performance during the performance period, taking part in an activity, or staying in accommodation in order to take part in a performance or activity under a licence, must be supervised at all times whilst taking part in a performance or activity, or whilst at that accommodation, by a chaperone, unless they are under the direct supervision of either their parent or a teacher from their school or their home tutor. Chaperones must be approved by the local authority that has granted the relevant licence to the child as part of the application process as being suitable to exercise care and control of the child in question.

### 3.4 Regulation 16 – Accommodation

**3.4.1** Where a child is to live away from home in order to take part in a performance or activity under a licence, the local authority issuing the licence must approve that place as being suitable for the child in question. As stated above at 1.7, a local authority may impose conditions in respect of the accommodation, including that transport will be arranged for the child to get to and from the accommodation to the place of performance, rehearsal or activity, and that suitable arrangements must be made for meals for the child.

### 3.5 Regulation 17 – Place of performance and place of rehearsal

**3.5.1** The local authority issuing the licence must approve the place where the performance, rehearsal (during the performance period) or activity is to take place. In order to do so, the local authority must be satisfied that suitable arrangements will be made for meals for the child and for changing/washing facilities. When providing its approval, the local authority may impose such conditions as it feels necessary.

### 3.6 Regulation 18 – Travel arrangements

**3.6.1** The responsible person must ensure that suitable travel arrangements are made to get the child home, or to any accommodation provided to the child. Where the local authority issuing the licence has imposed conditions in respect of such arrangements, the responsible person must ensure that those conditions are complied with.

### 4. Restrictions in relation to all performances (i.e. all licensed performances and all performances exempted under section 37(3)(a) of the Act).

**4.1** Regulations 20 to 24 set out a number of limitations and requirements in respect of all performances for which a licence is required or for which no licence is required by virtue of the exemption in section 37(3)(a) of the 1963 Act. These restrictions only apply to performances; they do not apply to activities. The licensing authority may consider it appropriate, with reference to regulation 5, to place these limitations and requirements as conditions on licences for paid modelling or paid sport (see sector-led examples to best practice). They may not be appropriate for all types of paid sport, however, for e.g. where stamina and endurance may be an integral part of the sport.

**4.2** Under regulation 20, a child must not take part in any other employment on the day of, or the day following, a performance. There are no restrictions on actions related to the performance they are licensed for, for e.g. a child can take part in a press conference on the day of a performance, and there are no restrictions on the number of performances or rehearsals – as long as these take place within the overall hours limits.

**4.3** The earliest and latest hours that a child can be present at a place of performance or rehearsal (during the performance period) are set out in regulation 21 – a child under the age of 5 can be present from 7am until 10pm, whilst a child of 5 and over can be present from 7am to 11pm.

**4.4** The **maximum** number of hours a child can perform or be at a place of performance is set out in regulation 22. It is important to note that these are the maximum hours permitted by the legislation; it is not intended that they be the default working pattern for all children. The principles that underpin each licence decision (as set out in section 37(4)) need to be considered: the child must be fit to take part in the performance, proper provision must be made to secure the child’s health and kind treatment and that their education does not suffer.

**4.5** Any time spent in education that is required by regulation 13 counts toward the maximum permitted hours in one day.

**4.6** For children aged 5 until 9 the limit for continuous hours of performance or rehearsal (during the performance period) in one day is 2.5 hours. It is not expected that a child under 9 would ever normally be on stage or in front of a camera continuously for such a long period. If a child is taking part in a physical performance (such as a dance) however, this allows them time to properly warm up. (A warm up is classed as rehearsal, and if it takes place on or after the date of the first performance it counts toward the total permitted performance time).

**4.7** The **minimum** breaks a child must have whilst performing and overnight breaks are specified by regulations 23 and 24. It is important to note that the regulations specify the minimum breaks required by law; it is not intended that they be rigidly adhered to. Children may need more or longer breaks, depending on the activity, the child, and the individual circumstances.

**4.8** Whilst 12 hours is the minimum required overnight break for all children, it is generally expected that most children should normally have an overnight break of no less than 14 hours duration. Licensing authorities will want to consider factors such as the time that may be required for the child to travel to and from the place of performance and their home, and whether to place any conditions on the licence to ensure the child has an adequate overnight break.

### 5. Restrictions and exceptions in relation to all licensed performances

**5.1** Regulations 26 to 29 set out restrictions and exceptions that apply to all licensed performances.

**5.2** Regulation 26 sets the maximum number of consecutive days upon which a child may perform as 6. As this is a maximum, local authorities should consider whether it would be appropriate for the child in question to perform for this maximum number of days, or whether there might be reasons why this would not be appropriate (in light of the need to be satisfied of the things set out in paragraph 1.6.1 above).

**5.3** Under regulation 27, a child must have a break of at least fourteen days following the last performance where that child has been performing on the maximum number of consecutive days over a period of eight week, unless the period to which the licence applies is less than sixty days.

**5.4** Regulations 28 and 29 provide exceptions to the rules in respect of the latest time a child may be at a place of performance or rehearsal (during the performance period) under regulation 21 – respectively, these allow local authorities and chaperones to authorise a child to perform after the latest hour, both subject to certain specified conditions being met.

### Chaperone discretion

**29.**—(1) The chaperone in charge of a child may allow that child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in regulation 22 provided that—

(a) the total number of hours during which the child takes part in a performance or rehearsal, including the period not exceeding one hour, does not exceed the maximum number of hours permitted under regulation 22;

(b) it appears to the chaperone that the welfare of the child will not be prejudiced; and

(c) it appears to the chaperone that the conditions requiring the child to take part in a performance after the latest time specified arose in circumstances outside the control of the licence holder.

(2) Where the chaperone allows a child to take part in a performance after the latest time specified in regulation 21, the licence holder must ensure that the chaperone notifies the licensing and host authorities no later than the following day and provides the reason for this decision.

(3) The chaperone in charge of a child may allow one of the break for meal, required under regulation 23 to be reduced where the child is taking part in a performance or rehearsal outside, provided that—

(a) the duration of the break is not less than thirty minutes; and

(b) the maximum number of hours during which the child may take part in a performance or rehearsal under regulation 22 is not exceeded.

### 6. Compliance and enforcement

**6.1** The local authority has a responsibility to enforce the licensing requirements. They may carry out inspections of the premises:

• where rehearsals during the performance period are taking place;

• where performances or activities are taking place; or

• where the child is receiving their education in order to check that the licensing conditions are being met.

**6.2** Local authorities have powers to amend or revoke existing licences, including those issued by local authorities in Wales and education authorities in Scotland where the performance or activity to which the licence relates takes place within their area.

• Productions MUST ensure that each child’s Licence and Chaperone/Tutor records are available at each place of performance when the child is working. Once the production is complete these records are to be held by the Licence Holder (applicant) for a minimum period of 6 months at the address given on the Licence application (which needs to be the Head (main) Office and NOT the location address i.e. temporary residence of a production at a studio or location) if requested for inspection by an officer of the LA at a later date.

Productions MUST ensure that a Health & Safety ‘risk assessment’ has been undertaken at a place of the performance: - smoking policy on and off the set; fire regulations/certificate; first aid contact. All staff, chaperones and children should be made fully aware of evacuation procedures. If you are not advised of these - ASK! You can contact the relevant Environmental Health Department for further details on Health & Safety - Management of Health & Safety at Work Act 1999.

• Productions to ensure suitable travel arrangements are provided

• Productions to ensure suitable arrangements for meals are provided

• Productions to ensure suitable accommodation and sanitary provision is provided

• Productions to ensure meal, rest, recreational & educational facilities are provided

• Productions to ensure adequate protection against inclement weather is provided

IMPORTANT NOTE: Length of time at place of performance applies to the time the child actually arrives and leaves the place of performance. If arrangements have been made to arrive and have breakfast or the time it takes to get changed, have dinner at the end of the day etc. this MUST BE included within the allotted hours for a child of that age.

### ADDITIONAL INFORMATION

• An authorised officer of the LA in whose area a performance takes place may at any time enter any place where a performance, licensed or unlicensed, to which S.37 applies and may make enquiries about any child they suspect of taking part in a performance.

• LA may request whatever information they feel appropriate for the purpose of deciding whether to grant a licence. A LA may also, in particular, make enquiries they think necessary to enable them to decide whether the licence should be granted subject to a condition to protect the child’s earnings Regulation (2)

• Dangerous Performances. No person under 12 may be trained to take part in ‘performances of a dangerous nature’ S.24. A person aged 12 to 16 (child over compulsory school age) may be trained to take part in dangerous performances under certain circumstances S.30. Any performance which may be considered as dangerous should be discussed with the LA prior to issuing a licence. Checks may be required/arranged between the LA and LA prior to agreement that a performance of this nature may take place. This may also involve Environmental Health and Health & Safety department inspections.

### Licensing children to perform or take part in activities abroad

### 7.1 When a licence is required

**7.1.1** Under section 25 of the 1933 Act, a licence must be obtained before a child of 14 but below compulsory school leaving age can go abroad for the purpose of:

• singing, playing (a musical instrument), performing or being exhibited ‘for profit’18, including any broadcast performance; or

• taking part in a sport or working as a model where payment is made to the child or to another in respect of the child taking part in that activity, other than expenses.

18 For example, a performance for which people are asked to pay an admission fee.

### 7.2 Restrictions on licensing children aged under 14

**7.2.1** Under section 42 of the 1963 Act, a licence may be obtained for a child under the age of 14 only in respect of specific performances or activities:

• where the engagement is for acting and the application is accompanied by a declaration that the part cannot be taken apart from by a child of around that age;

• where the engagement is for dancing in a ballet (as part of a ballet or opera) and the application is accompanied by a declaration that the part cannot be danced other than by a child or around that age; and

• where the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his/her part in the performance is wholly or mainly musical.

Abroad is defined in section 30 of the 1933 Act as meaning outside Great Britain and Ireland. If a child is going to perform in Ireland for profit, there is no requirement to obtain a licence from a magistrate (the producer will need to comply with any requirements in the area that the performance is to take place).

### 7.3 When a licence is not required

**7.3.1** This requirement does not apply where the child was only temporarily resident within the UK.

### 7.4 Who issues the licence

**7.4.1** Under section 25(2) of the 1933 Act, a magistrate grants any licence for a child to perform or take part in activities abroad.

### 7.5 Who should apply for the licence

**7.5.1** Unlike licences for children to perform in Great Britain, there is no stipulation in legislation as to who the applicant for the licence needs to be. However, under section 25(2), the licence cannot be issued unless the magistrate is satisfied that the application is made by or with the consent of the parent/guardian of the child.

### 7.6 What information should be included in a licence application

**7.6.1** A licence cannot be issued unless the magistrate is satisfied that:

• the child is going abroad to fulfil a particular engagement;

• the child is fit to perform, proper provision has been made to secure his/her health and wellbeing, and for his/her supervision, and for his/her return from abroad at the expiration or revocation of the licence; and

• a copy of the employment contract (or other document showing the terms and conditions of employment for the performance) has been drawn up in a language that the child understands and provided to him/her.

**7.6.2** The person applying for the licence must send notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment to the chief of police for the district in which the child resides at least 7 days before making the application, who may then make a report to the court as to why the licence should or should not be granted.

### 7.7 Licensing decisions

**7.7.1** Licences may only be granted for up to a period of 3 months, although they may be renewed on application (where such an application is supported by the child’s parent or guardian and a report is provided from a ‘trustworthy person’ confirming that the conditions of the licence are being complied with).

**7.7.2** A licence may also be varied or revoked by a magistrate.

**7.7.3** When granting a licence, the magistrate must (unless satisfied that in the circumstances it is unnecessary) require the applicant to give security in order to ensure that the restrictions and conditions of the licence will be complied with.

7.7.4 Where a decision is made to grant a licence, the information set out in regulation 31 of the regulations must be sent by the magistrate to the Secretary of State for transmission to the appropriate consular officer.

### 7.8 What information the licence contains once granted

**7.8.1** A licence granted under section 25 of the 1933 Act must include the information specified in regulation 30 of the Regulations.

**7.8.2** Conditions can also be attached to the licence.

**ISSUED ACTS/ REGULATIONS**

1933 Children & Young Persons Act

1963 Children & Young Persons Act

The Children (Performances & Activities) (England) 2014

**ISSUED STATUTORY INSTRUMENTS**

1968 No. 1728

2014 no.3309

## CONTACT

Child Employment and Performance Officer

Attendance and Advisory Service for Schools and Academies

Gun Wharf

Dock Road

Chatham

Kent

ME4 4TR

Phone: 01634 337 310

Email: childperformance@medway.gov.uk

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## Child performance restrictions

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| --- | --- | --- | --- |
|  | **Ages 0 to 4** | **Ages 5 to 8** | **Ages 9+** |
| **Maximum number of hours at place of performance or rehearsal** (Reg.22) | 5 hours | 8 hours | 9.5 hours |
| **Earliest and latest permitted times at place of performance or rehearsal** (Reg.21) | 7am to 10pm | 7am to 11pm | 7am to 11pm |
| **Maximum period of continuous performance or rehearsal** (Reg.22) | 0.5 hours | 2.5 hours | 2.5 hours |
| **Maximum total hours of performance and rehearsal** (Reg.22) | 2 hours | 3 hours | 5 hours |
| **Minimum intervals for meals and rest** (Reg.23) | Any breaks must be for a minimum of 15 minutes.If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break. | If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes. | If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes. |
| **Education** (Reg.13) | N/A | 3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less. | 3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less. |
| **Minimum break between performances** (Reg.23) | 1.5 hours | 1.5 hours | 1.5 hours |
| **Maximum consecutive days to take part in performance or rehearsal** (Reg.26) | 6 days | 6 days | 6 days |

**Take note of Regulation 5 that allows the licensing authority to further restrict these permitted hours, breaks etc. and place additional conditions on the licence if this would be in the best interests of the individual child.**

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## Incident log sheet

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| --- | --- | --- | --- | --- |
| **Date** | **Child’s name** | **Production** | **Details of incident** | **Action taken** |
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## Performance daily record sheet

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| --- | --- | --- | --- | --- | --- | --- |
| **Children’s names** | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 |
| 7:00 to 7:15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 |
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| **Children’s names** | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 |
| 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 |
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| **Children’s names** | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | 00:00 |
| 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 | 00-15 | 15-30 | 30-45 | 45-00 |
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**PU = Pick Up A = Arrive O = Other (makeup, costume etc.) M = Meal R = Rest T = Tutoring S = Stand by P = Performance time onset/stage (including rehearsal/line up etc.) W = Wrap D = Departure H = Home**

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## Medicine record sheet

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| --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Child’s name** | **Name of medicine** | **Dosage** | **Parental Consent (signature required)** | **Time medicine was administered** | **Who administered the medicine** | **Signature** |
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## Signing in and out sheet

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| **Date** | **Child’s name** | **Time of drop off** | **Parent’s name and signature** | **Time of pick up** | **Parents name and signature** |
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