



CHILDREN IN **ENTERTAINMENT**

INFORMATION FOR CHAPERONES & LICENCE HOLDERS

- ❖ **The Children and Young Persons Act 1933 & 1963**
- ❖ **The Children (Performances and Activities) (England) Regulations 2014**

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Please use Glossary for specific information requirements.

Introduction

Children who perform on stage, in television, film or commercial work, who take part in paid or professional sport or who work as models need to be licensed by their local authority for such performances if

- *they are paid or*
- *they require absence from school or*
- *they will perform for more than four days within a period of six months*

Under the Children & Young Persons Act 1933, the Children & Young Persons Act 1963 and The Children (Performances and Activities) (England) Regulations 2014, children who take part in licensed performances must be supervised by a responsible adult known as a chaperone. A chaperone may be of either sex. In the regulations the child is referred to as 'he'. The chaperone is in loco parentis and should exercise the care which a good parent might be reasonably expected to give that child.

The legislation requires that a licensing system regulating the participation in a performance of any child, from birth until they cease to be of compulsory school age, be administered by the local authority in which the child lives.

A child remains of compulsory school age until the last Friday in June, of the school year in which they reach the age of sixteen.

The legislation relates to:

Children in Entertainment

(Performing on Stage, Television, Film, Commercials etc.)

Children working in paid/professional sport.

Children working as models. (Fashion & Photographic)

The Children and Young Persons Act prescribes how the health and safety needs of child performers are met through regulation of the number of hours they rehearse and perform, the activities they can and cannot undertake and the standard of facilities and conditions in which they may work.

Chaperones

It is a legal requirement that children engaged in public performances or entertainment under a licence issued by the local authority must be supervised by a chaperone approved by a Local Authority, unless they are in the care of either their parent or agreed tutor. Approved chaperones are essential to ensure that proper provision is made to secure a child's health, safety and welfare whilst at the place of performance. They are required to undergo an Enhanced Disclosure and Barring Service (DBS) as part of the approval process.

It is essential that chaperones are properly advised and understand their duties and responsibilities due to the varying nature of their role. Some local authorities offer training sessions which are recommended.

A chaperone's first duty is to look after the children in their care and must not undertake any activity that would interfere with the performance of these duties. Except when a child is in the care of a tutor, a chaperone is in *loco parentis* and is required to exercise the care which a good parent might reasonably be expected to give a child.

Chaperones have the responsibility of care for children in entertainment and the nature of a chaperone's role is that s/he is in a position of trust regarding those children. Abuse of a position of trust in respect of young persons under the age of 18 is considered an offence, and under the Sexual Offences Act 2003 would include sexual activity with or in the presence of a child, causing or inciting a child to engage in sexual activity or watch a sexual act.

The regulations are designed wholly to protect the child's welfare and to prevent a child being exploited. Chaperones must familiarise themselves with these restrictions, especially where they have specific relevance to their role.

The law says that the maximum number of children an individual chaperone may supervise is twelve unless the chaperone is also the teacher in which case it is 3. However, the local authority may consider that due to the demands of the performance, the ages, gender of the children, or a combination of both, that the chaperone would only be able to effectively supervise a smaller number.

Boys and girls from the age of 5 must be in separate changing rooms. If there are boys and girls in the production and separate changing rooms are required, there would have to be at least two chaperones on duty. Chaperones **must** remain with the children **all** of the time. It is only when they are on stage or performing that chaperones are not required to be by their side.

Chaperones should possess firm negotiating skills. Occasionally production companies may try to exploit a child in order to facilitate their schedule. Chaperones have the power to withdraw a child from a performance if they have good reason and should have the confidence to do so when it is in the interest of the child.

The chaperone must keep daily records of the children at the place of performance. There should be emergency contact numbers available.

Any significant incident or accident must be fully recorded. The parent and the local authority must be informed at the earliest opportunity. The records must be available for examination on request. **(There are examples of register, contact and incident forms later in this booklet. Further copies are available on request).**

A child should not be allowed to perform when unwell. The chaperone must put the needs of the child first. They have the responsibility to refuse to accept a sick child who arrives for a performance.

Qualified first-aiders should be on hand in all entertainment establishments. Chaperones should establish where the first-aid kit and accident book are located.

The chaperone should become familiar with the procedures for evacuating the building in case of fire and the escape routes from whatever rooms the children are using.

A chaperone is required to ensure that suitable travel arrangements are in place for each child under their control. They are also required to ensure that the person previously agreed collects the child.

The local authority officers are empowered to enter any premises where a performance or entertainment is being performed by children, without prior notice, to establish that the children are being properly supervised and cared for. They have the authority to withdraw the children from the performance, to rescind the chaperone's approval, or both.

Child Protection and Safe Practice

The following summary is intended as a brief guide to heighten awareness of child protection responsibilities and safe practice. In addition it provides advice on recognising and referring suspected or actual abuse.

Safe Practice

All production company staff, cast, crew and in particular chaperones and others coming into contact with child performers (such as dressers and makeup artists) should be mindful of their conduct. This includes:

- ❖ use of appropriate language, touch and general behaviour.
- ❖ avoidance of any unnecessary physical contact.
- ❖ refraining from lone contact or meetings with individual children.

Allegations

If an allegation is made against a member of the production company staff, cast, crew or chaperone, full co-operation will be sought from those in charge, the individual member of staff and the licensing authority. It may be necessary to exclude from the theatre/rehearsal rooms the person against whom the allegation is made or ensure that they do not have unsupervised contact with children.

Personal Support

Theatres should have a child protection policy and a nominated person who can offer support and advice

Records

If there are concerns records kept of significant events or conversations will assist with any referral and subsequent investigation. They must be dated and should always differentiate between facts, opinion or judgement.

Action

If there are concerns about the wellbeing of a child in your care it must be reported to the nominated child protection person for them to make a referral to Social Services. If they decline to refer the matter on, you should do so by telephoning the local Social Services Child Protection Team.

Child Protection issues are always difficult to deal with. It is an unfortunate fact that adults with an untoward interest in children infiltrate areas where children are known to be. We need to ensure that everything possible is done to protect the children in our care.

DAILY RECORD – The Children (Performances and Activities) (England) Regulations 2014

DATE:

NAME OF PRODUCTION:

VENUE:

Name of Child	Time of Arrival at Venue	Times of Each Period Child Took Part in Performance	Times of Rest & Meal Intervals	Time of Departure from Venue	Name of Person who Collected Child

RETURN TO: Education Welfare Service (PV), PO BOX 3176, Bristol City Council, BS3 9FS

CONTACT FORM

Name of Production:

Chaperone in charge:

Date of performances: **From:**..... **To:**

Name of child	Address	Emergency contact name & number	Medical Details Eg: Diabetic/Asthma

INCIDENT FORM

This form should be filled out for each performance by the chaperone in charge. All details of any accident, injury or illness of any child, however slight, must be noted in the space below.

Name of production:

Signed: **(Chaperone in charge)**

Date:

PERMITTED TIMES OF PERFORMANCES

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
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)	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance or 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.	<p>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</p> <p>If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.</p>	<p>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</p> <p>If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.</p>
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 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes
Maximum consecutive days to take part in performance or rehearsal (Reg.26)	6 days	6 days	6 days

A child must have an overnight break of a minimum duration of twelve hours between attendance at a place of performance or rehearsal.

A child must not take part in performances or rehearsals for more than 6 consecutive days.

The chaperone in charge of a child may allow that child to take part in a performance not exceeding one hour immediately following the latest time in the above table provided that:

- The total number of hours during which the child/ren takes part in the performance or rehearsal (including the additional period) does not exceed the maximum number of hours permitted in the table above.
- The chaperone is confident that any additional time would be in the best interests of the child and that the circumstances that have arisen are outside of the control of the licence holder eg. equipment failure at performance venue, fire evacuation.

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

The chaperone may allow one of the breaks for meals to be reduced where the child is taking part in a performance or rehearsal **outside**, provided that the break is not less than 30 minutes and the maximum number of hours does not exceed the number of hours permitted under the regulations.

Night Work

The local authority may grant a licence for a child to work after the permitted hours if they are satisfied that outside scenes, near studios or on location, is essential and that the child's appearance is necessary.

Working after Midnight

If work starts after midnight or cannot be completed before midnight the local authority may grant a licence **only**:

- ❖ if they are satisfied it is impractical to complete the work before then.

It is important for licence holders and chaperones to understand that:

- ❖ Any performing after midnight counts as part of performing time allowed on the previous day. Sixteen hours must elapse before the child starts work again.
- ❖ If a child works between the latest and the earliest times on two consecutive days, one week must elapse before they do any more work between the latest and earliest times.

Breaks in Performances

Where a performance licence is granted for sixty days or more there **MUST** be a fourteen day break after eight consecutive weeks of performing. During the break period a child must not take part in any

- ❖ performance
- ❖ rehearsal
- ❖ employment of any form

Venues of Performance or Rehearsal

The local authority must be satisfied that the premise where either a performance or rehearsal is to take place meets certain criteria. Therefore the authority will approve these premises only if they are satisfied that:

- ❖ suitable arrangements have been made for meals, rest and recreation
- ❖ premises have suitable and sufficient toilets and washing facilities
- ❖ the child will be adequately protected against inclement weather
- ❖ suitable arrangements have been made for the child to dress for performance or rehearsal. Children aged five and over should only dress with children of the same sex.

Children Staying Away From Home

The local authority is obliged to ensure the wellbeing of a child who is required to stay away from home as a result of their performance. Therefore, the child may only stay in accommodation approved by the local authority for the area in which the performance takes place. That authority may inspect the premises to make sure they are clean, comfortable and suitable.

The child must be in the care of the chaperone at all times.

Travel Arrangements

The holder of the licence shall ensure that suitable arrangements are made for the child to get to his/her home, or temporary residence, after the last performance, rehearsal or activity on each day by parent's car, taxi or other transport.

A child's age shall be taken into account when making these arrangements but children should not be allowed to go home unsupervised especially, for example, after an evening's performance in the theatre.

Chaperones must be kept advised of travel arrangements for children in their care.

Performances which require a licence

There is often uncertainty expressed by prospective licence holders (producers) as to which performances require a licence and which ones do not. The following passages address issues on a general basis and will help clarify most situations.

A licence is required for any performance:

- ❖ if absence from school is required;
- ❖ in connection with which a charge is made;
- ❖ at a licensed premises or a registered club;
- ❖ any broadcast or any performance recorded by whatever means with a view to its use in a broadcast, or film intended for public exhibition.

(Any child used as a stand-in (understudy) should be licensed in the same way as the other children in the performance.)

Performances which do not require a licence

A licence is not required:

- ❖ if a child does not perform on more than four days in any period of six months (providing there is no absence from school required);
- ❖ for performances organised by school;
- ❖ for performances put on by a body of persons approved and granted exemption by the Secretary of State or by the local authority, and no payment has been made to the child or any other person. *(This might include productions organised by churches, scouts and other youth organisations);*
- ❖ Any activity which the local authority does not consider to be a performance. *(This could be children interviewed or filmed while taking part in some normal activity not specially arranged for the purpose, such as doing ordinary school lessons, playing in the park, or at a youth club).*

An activity directed in any way can be classified as a performance.

Licence Application

The person responsible for the production of the performance in which the child is taking part is the person who should make the application for a licence.

(This should not be the teacher of a dance school that provides the children or the model agency).

A licence is granted by the local authority where the child lives (this may not necessarily be the same local authority as the child's school).

Should the child live outside the UK the local authority in whose area the applicant resides, or has his place of business, will issue the licence.

The applicant completes and signs Part 1 of an official application form and the parent then completes and signs Part 2. This form is then sent to the local authority with the following items attached:

- ❖ A copy of the child's birth certificate
- ❖ two identical photographs taken during the 6 months preceding the date of the application
- ❖ a copy of the child's contract, draft contract or other documents containing particulars of the agreement relating to the child's appearance in the performance or regulating the activity for which the licence is requested.

The person who signs the licence application will be deemed to be the licence holder. The regulations require that application be made to the local authority at least twenty-one days before the first performance.

(Every effort will be made to process applications received with less than twenty-one days notice but cannot be guaranteed.)

Licence Details

The licence will show the following information:

- ❖ details of the child
- ❖ Parent's name
- ❖ photograph
- ❖ identity of the licence holder
- ❖ name and nature of the performance
- ❖ place of the performance
- ❖ dates of performances or, for some recorded performances, the number of days during a period not exceeding six months for which a child is licensed.
- ❖ any conditions made by the local authority, these could include permitted hours, transport, chaperoning arrangements, sums earned and education.

A licence will not be granted unless the local authority is satisfied that the child is fit to take part in a performance, that their education will not suffer and that proper arrangements have been made to secure the child's health, safety and welfare.

Responsibilities of the Licence Holder

The licence holder is responsible for observing the conditions of the licence. Wherever children are involved in a public performance for which a licence has issued, the law requires they are cared for by a registered chaperone. It is the responsibility of the licence holder to ensure there are an appropriate number of approved chaperones on duty at each performance and that they are providing the supervision required by law.

Requirement to Keep Licence Records

Records must be kept by the licence holder and retained for six months after the last performance to which the licence relates.

The information that the licence holder must keep and retain is as follows:

- ❖ the licence
- ❖ the following particulars in respect of each day or night on which the child is present at the place of performance or rehearsal:
 1. the date
 2. the time of arrival at the place of performance or rehearsal
 3. the time of departure from the place of performance or rehearsal
 4. the times of the child's participation in each performance or rehearsal
 5. the time of each rest interval
 6. the time of each meal interval
 7. the time of any night work authorised by the local authority
- ❖ the date and duration of each lesson and the subject taught where arrangements are made for the education of the child by a private teacher.
- ❖ details of any incidents, injuries and illnesses suffered by the child at the place of performance or rehearsal including dates and action and stating whether the illness/injury prevented the child from being present at the place of performance or rehearsal.
- ❖ the dates of the breaks in performances
- ❖ the amount of all sums earned by the child by reason of taking part in the performance and the details of the persons to whom such sums were paid

The local authority has the power to inspect these records at any time either during the life of the licence or up to six months after the last performance for which the licence was issued.

Medical Requirements

No child should be allowed to perform when unwell. If a child does fall ill or is injured whilst in the charge of the chaperone or teacher, then medical advice should be sought. The licence holder must inform the parent and the local authority as soon as possible and complete the Incident Form.

In order to ensure that a child is fit to take part in a performance the local authority has the discretion to require a child be medically examined if they think necessary.

Absence from School

Under the provision of Regulation II of the Education (Schools and Further Education) Regulations 1981, absence may not be given to enable any pupil to undertake employment except in accordance with a licence. The Law contains no provisions under which absence may be authorised for an unlicensed performance.

In accordance to section 37 (7) of the Children and Young Persons Act 1963 – where a licence is issued which specifies the dates a child is to be away from school to perform, the child's absence from school is deemed to be granted and permission is not needed from the school.

Education

Whilst the local authority recognises that performances of this nature are part of a child's life experience, it will not permit the formal aspect of the child's education to be compromised. Before granting a licence the local authority will liaise with the child's school to ensure that the child's education will not suffer should that licence be granted.

For long engagements there should be a private tutor, although regulations do not stipulate how many days absence from school will be permitted before the authority insists on this. It is the responsibility of the licence applicant to state their proposals for the child's education at the outset and it is the local authority who then decides whether or not the arrangements are satisfactory. The authority must be satisfied that:

- ❖ the private tutor is suitable and competent
- ❖ the course of study is suitable
- ❖ one teacher must not teach more than six children at anyone time unless they have all reached a similar standard and in this case the teacher may teach twelve
- ❖ the school room must be approved by the local authority
- ❖ the child should be taught for periods, which when aggregated, total no less than 3 hours on each day on which the child would be required to attend school if they were attending a school maintained by the local authority.

Performances Abroad

The law is quite prescriptive. It states that no child is permitted to go abroad for the purpose of:

- ❖ singing
- ❖ playing
- ❖ performing
- ❖ paid sporting activity
- ❖ paid modelling

UNLESS

- ❖ A licence has been granted for this purpose by the City of Westminster Magistrates Court or a local magistrate
- ❖ Notice of the intended application must be given to the Chief Officer of Police for the district in which the child resides at least seven days before the application is heard. The Magistrate shall not grant the licence unless satisfied that notice has been properly given.

NB. The local authority has no involvement or responsibility regarding the issue of these licences.

Dangerous Performances

The legislation does not clearly define what constitutes a dangerous performance but does include performances as an acrobat or contortionist.

In addition the regulations state:

- ❖ No child shall take part in any public performance whereby his life or his limbs are endangered
- ❖ No child below compulsory school leaving age may take part or be trained to take part in a performance of a dangerous nature.

Circus Performances

In the main the rules relating to circus performances are similar to those of performances on stage. However, a child is allowed to give one extra performance or rehearsal. This means that the child may perform:

- ❖ Twice on school days.
- ❖ Three times on other days.

Whilst this extra performance is permitted by the regulations the following conditions apply:

- ❖ there must be an interval of at least one and a half hours between each performance or rehearsal, and
- ❖ the duration of their appearance in any performance or rehearsal must not exceed thirty minutes.

Powers of the Local Authority

With a Warrant

An officer of the local authority or a Police Officer may enter any place where there is reasonable cause to believe that:

- ❖ employment is taking place,
- ❖ a child is believed to be taking part in or being trained for a dangerous performance contrary to the provisions of the relevant legislation and may make enquiries about that child

Without a Warrant

An officer of the local authority or a Police Officer may at any time enter any place:

- ❖ used as a broadcasting or film studio or
- ❖ used for the recording of any film or performance which is intended for public exhibition and make enquiries about any child taking part.

The holder of the licence must produce the licence at any reasonable time and place of performance to any authorised officer of the local authority.

Useful Telephone Numbers

Employment & Licensing Officer	: 0117 35 21442/35 21438. – office hours
Social Services, Out of Hours Duty Team	: 01454 615165
Police	: 999 (in emergency only) or 101 (non emergency)

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