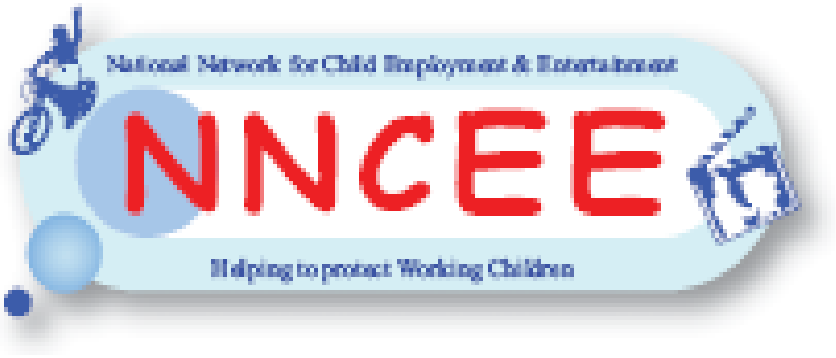

A Guide to Child Performance Licensing

In England

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Aim of this guidance

The aim of this guidance document is to address the inconsistency of practice within child performance licensing by providing an interpretation of the child performance legislation and regulations and providing information and examples of best practice.

Through aiding practitioners' understanding of the issues and promoting the adoption of effective working practices as detailed in this guidance a more consistent approach will be achieved leading to equal opportunities for children across the entertainment sector.

Who it is aimed at

This guide is aimed primarily at local authority licensing officers.

However the information, procedures and examples given within the guide is appropriate for the following:

- All those who work with child performers (whether in a professional or amateur production setting) or with children paid to take part in sport or modelling, or plan to work with such children
- Chaperones
- Schools
- Sports, music, dance and drama groups

Introduction

The Children (Performances and Activities) (England) Regulations 2014 came into effect on 6th February 2015. These regulations replaced the Children Performances Regulations 1968 as amended which were repealed in their entirety together with all guidance that related to them.

http://www.legislation.gov.uk/id/uksi/2014/3309

To support the 2014 regulations the Department for Education issued guidance: Child performance and activities licensing legislation in England ς Departmental advice for local authorities and individuals working with children in all types of professional or amateur performances, paid sport and paid modelling.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401345/Child_performance_and_activities_licensing_legislation_in_England_-_departmental_advice_-_final.pdf

The Department for Education issued a report from the 2014 consultation on child performance hours and breaks. The report gives useful background information which informed the changes to the regulations.

http://www.gov.uk/government/consultations/child-performance-regulations-performance-hours-and-breaks

Since the introduction of new regulations a number of issues have been identified not least the varying interpretations by licensing officers and the industry and varying working practices. Following discussion with the Department for Education it was agreed that a comprehensive document giving further advice on the legislation and information on effective best practice should be produced from within the sector. A publication written by practitioners on "the front line" has the credibility to ensure the adoption of a consistent approach and working practices. The National Network for Children in Employment and Entertainment was identified as being best placed to deliver this publication.

Although the Welsh and Scottish regulations do not exactly mirror those of England, the principles and examples of best practice within this guide will, in the main, apply across Great Britain.

The Licensing System

The licensing system is designed to provide a check that those responsible for using children in performances (professional and amateur), in paid sport and modelling make suitable arrangements to safeguard them.

The important word here is "safeguard" and should be the main focus when both applying for and processing performance licence applications. It should remain the focus throughout the time the child is performing.

This means the licensing of child performers cannot be viewed solely as an administrative process. The role of the licensing officer is primarily one of safeguarding and enforcement. It should always be remembered that "a piece of paper" will not protect a child.

Overview of Child Performance Legislation

Primary Legislation

The Children and Young Persons Act 1933
The Children and Young Persons Act 1963

http://www.legislation.gov.uk/ukpga/Geo5/23-24/12

http://www.legislation.gov.uk/ukpga/1963/37

This is the primary legislation that covers child performance and this underpins the licensing system. It is this legislation which determines whether a licence is required and gives local authorities the power of enforcement.

Secondary legislation

The Children (Performances and Activities) (England) Regulations 2014

Once it has been determined that a licence or in certain circumstances an exemption from licensing is required the regulations state the framework under which a licence or exemption can be issued.

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Guidance

Department for Education: Child performance and activities licensing legislation in England
NNCEE: A Guide to Child Performance Licensing in England

Gives guidance to be followed on the meaning and interpretation of the primary and secondary legislation. However neither of these documents are classed as statutory guidance.

NNCEE: A Guide to Child Performance Licensing in England will address the primary legislation and the regulations giving an explanation of each together with appropriate examples of working practice. It would be logical to address them in the order they are listed above, however it is NNCEE opinion that it would be more useful to structure the guidance towards those areas of legislation which are most frequently used. Therefore we will cover in the following order:

The Children and Young Persons Act 1963 s37
The Children (Performances and Activities) (England) Regulations 2014
The Children and Young Persons Act 1933 s23 ς 28

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SECTION 1

The Children and Young Persons Act 1963

Section 37 Restriction on persons under 16 taking part in public performances. This includes children who have attained age 16 during the academic year i.e. are still of compulsory school age.

(1) This subsection means that children of compulsory school age and below cannot take part in a performance , paid sport or work as a model when they are being paid (other than out of pocket expenses) without a performance licence. The licence is to be issued by the local authority where the child resides. If the child does not reside in Great Britain then the licence should be issued by the local authority where the licence applicant resides or has his place of business.

Best Practice
Legislation does not state who should issue the licence if the applicant does not reside or have a place of business in Great Britain. Best practice and effective working practice should be that the licence is issued by the local authority where the performance or first performance if part of a tour takes place.

Example
A touring choir visited England with 35 children who were performing at 24 venues across the country. The local authority where the first performance took place issued licences (in cases of this type a "group" licence would be appropriate) for all the children for all performances. Copies of the licences were sent to each local authority to enable them to carry out a performance inspection.
Although this may be considered a heavy workload for one authority it prevents 24 authorities being involved and the inevitable inconsistency of practice that will happen.

(2) This subsection states the types of performances which require a licence. This includes:

(a) **any performance in connection with which a charge is made (whether for admission or otherwise);**
(b) **any performance in licenced premises within the meaning of the Licensing Act [1964] or the Licensing (Scotland) Act 1959 or in premises in respect of which a club is registered under said Act of 1959 or the Licensing Act [1964];**
(c) **any broadcasting performance;**
(d) **any performance not falling within paragraph (c) above but included in a programme service (within the meaning of the Broadcasting Act 1990);**
(e) **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;**

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Department for Education advice 1.1.1 states the following types of performances would be included in the above:

(c) Any broadcast performance to include internet streaming

(e) 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. 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, e.g. where young people or a family record themselves and share it on a website or social media);

and also

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.

(3) This subsection states when a licence is not required even if the performance falls into those stated at subsection 2 above. An exemption from licensing can only be granted if the child is not being paid to take part and no other person is being paid for the child to take part other than out of pocket expenses.

The "four day rule"

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) then a licence is required for any further performances.

If a child is to be absent from school this exemption cannot be relied on: a licence will be required. *See Section 7 Absence from school*

It should also be noted that where the four day rule exemption is relied upon the restrictions applicable to all performances will apply. NNCEE table.

It is a legal requirement to apply for 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.

Best Practice
It is best practice for the responsible person relying on the four day rule to make enquiries with the child's parent and to obtain written confirmation from the parent that their child has not performed on more than 3 days in the last 6 months.

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Best Practice It is best practice that the responsible person advises the local authority where the child resides that they wish to make use of the four day exemption by completing a notification form. The local authority can then issue a form of exemption which can be held at the place of performance and produced in the event of an inspection being made by the host authority.

When a licence is required

The following table (Examples of Best Practice ς Child Performance and Activities Licensing by Local Authorities in England) gives examples of when a licence may be required and when it may not. It is for illustrative purposes only and should not be considered an authoritative or complete list.

A licence may be required for	A licence may not be required for
Performances that meet the criteria in section 37(2) of the 1963 Act. These can include: acting; singing; dancing; playing in an orchestra; stand-up comedy; magic act; and any production where the activity is contrived or constructed for dramatic effect.	Observational documentaries where a child is filmed carrying out normal day to day activities for example playing in the street, participating in an ordinary lesson, training for their sport.
So-called "reality" television where the activity in which the child participates is manipulated/controlled or directed for the purpose of the entertainment.	Elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentary provided the child is filmed being themselves without direction.
Presenting or compering (where this has an element of contrived performance).	Daily news reporting, news reports (including investigations in the public interest, for e.g. testing if shops sell goods to a child underage).
Entertaining or performing where the performance meets any of the criteria under section 37(2) of the Act e.g. for a paying audience, on licensed premises, a recording for broadcast or public exhibition.	Being interviewed as a member of the public; Self-generated content e.g. a child records themselves and puts that on the internet; Castings and auditions that are not recorded for public exhibition; Being part of an audience (watching a show either in a s studio, theatre or stadium).
Dancing at a community dance festival or performance that meets any of the criteria set out under section 37(2) of the Act.	Dance workshops held on the same day of the performance at a different venue. (Practical dance sessions led by a dance teacher or artist. They may explore an idea or practice some dance movement; they

	introduce the participants to different dance styles or techniques; and encourage interaction between participants from different schools or groups)
Photo-shoots and modelling where the child (or someone else in respect of the child's taking part) receives payment.	Photo-shoots and modelling where no payment is made in respect of the child's participation.
Taking part in a sport where the child (or someone else in respect of the child's taking part) receives payment, other than expenses.	Being a ball boy or girl (If they were actually playing football or tennis and payment other than expenses was made then they could well fall within the remit of the child performance legislation. But they are not playing and therefore we do not think they could be said to be taking part in a performance or a paid sport)

Performances given under arrangements made by a school

Department for Education guidance states the following:

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 the 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. The table below sets out when a performance would meet the criteria for this exemption and when it would not.

Who is making the arrangements	Is a licence required?
The child's school	No
A school within the meaning of the relevant Education Acts (but which the child does not attend) ς this can include: a performing arts school which also provides a child's main education; and a school providing a child's main education working alongside a performing arts school (education is jointly provided), providing each is a school A child who is home educated could qualify under this exemption if the arrangements for the performance are made by a school This exemption would not be affected by a	No

broadcaster filming the event as part of an observational documentary ς as long as the children are not directed to act in a particular way	
Dance schools, circus schools, conservatoires and similar organisations where the child is attending purely for training in that performance activity (as opposed to receiving their main education)	Yes (assuming no other exemption applies)
A third party. For example, where children from a school or a number of schools take part in a performance where arrangements are made by a third party such as a broadcasting company or a local authority or arts group i.e. the third party is responsible for the production.	Yes (assuming no other exemption applies)

Examples

A school is putting on a production of "Grease". Performances will take place over 3 nights in the school hall and tickets will be on sale. All the arrangements have been made the school and the children have rehearsed and performed under the direction of school staff. This performance is exempt from licensing under section 37(3)(b).

The same school is putting on a production of "Oliver". However this time in order to take advantage of highly quality stage equipment and to maximise ticket sales they have hired the local theatre. Performances will take place over 3 nights and tickets will be on sale. All the arrangements have been made by the school and the children have rehearsed and performed under the direction of school staff. It is irrelevant that the performance is taking place outside of school premises i.e. a theatre, this performance is exempt from licensing under section 37(3)(b).

A production company or charitable organisation arranges a show at a large well known theatre. The show comprises of groups of children performing various routines. The producer has approached various dance schools who will be taking part and has also approached a number of schools inviting them to select a group of children to perform. The show is for 1 night only and tickets are on sale. Those schools who decide to take part cannot be exempted under section 37(3)(b) as this is not a performance arranged by a school. In this case the children will either require a licence or an exemption if appropriate.

A number of schools have been invited to perform together at the Festival Hall and they will be rehearsing and performing under the direction of a 3rd party. In this case the school have not made the arrangements for the performance and a licence or exemption if appropriate will be required.

Further guidance can be found in the section Music Hubs.

Body of Persons Approval (BOPA)

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.

For further information regarding the issuing of body of persons approval see Section 4 Body of Persons Approval.

(4) This subsection states that licences shall be issued in accordance with the conditions and restrictions stated in regulations made under statutory instrument by the Secretary of State i.e. The Children (Performances and Activities) (England) Regulations 2014. It also states that a local authority shall not grant a licence for a child to do anything unless it is satisfied that the child is fit, that proper provision has been made to secure his health and kind treatment and his education will not suffer.

Best Practice
Licensing officers should not underestimate the importance of this subsection which underpins any decisions they will make. Although the language used in places is somewhat dated this subsection makes clear the safeguarding responsibilities a local authority has towards children who perform. This safeguarding responsibility is covered in more detail on Page 16 Regulation 5 Licence conditions.

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SECTION 2

The Children (Performances and Activities) (England) Regulations 2014

This section will give guidance on each regulation and where appropriate examples of best working practice.

PART 1 General

Regulation 1 Citation, commencement and application

This states the regulations came into force on 6th February 2015 and they apply to:

(a) Licences granted for children resident in England to take part in performances or activities within Great Britain
(b) Licences granted for children not resident in Great Britain to take part in performances or activities within Great Britain
(c) Performances in England for which no licences is required under section 37(3)(a) of the 1963 Act
(d) Licences granted by justices of the peace in England under section 25 of the 1933 Act for children to take part in performances or activities abroad for profit

Regulation 2 Interpretation

Self-explanatory.

Regulation 3 Revocations

Self-explanatory.

PART 2 Documentation requirement relating to all licences

Regulation 4 Application for licence

This regulation (4(1)) states that an application for licence must be made in writing by the person responsible for the production or activity in which the child is taking part. It states the application should contain the information specified in Parts 1 and 2 of Schedule 2, it must be signed by the applicant and the parent of the child and be accompanied by the documentation specified in Part 3 of Schedule 3.

Best Practice
It should be emphasised that applications can be received electronically via email or on line. There is no requirement that "hard copies" with "wet signatures" are forwarded to the licensing authority.

There is no requirement that a "hard copy" of the licence, when granted, be posted out. Licences should be issued via secure email to the applicant, parent and host authority if applicable.

It is the expectation that the Standard Child Performance and Activities Licence Application Form (England) is used. This form can be found on the NNCEE website www.nncee.org and is accepted by all local authorities in England. The guidance document on completing the application form will assist applicants to accurately and fully complete the form.

In its advice the Department for Education has made it absolutely clear that the application form must be completed and signed by the responsible person.

Departmental advice 1.4.4 states: The person responsible for organising, producing or running the activity or for the production of the performances 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.

Departmental advice 1.4.5 states: 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.

If a local authority receives an application form which has been signed by a casting agent or model agency stating they are the responsible person it should be returned. The agent should be informed that the responsible person must apply for the licence and sign the application form. A casting agent or model agency cannot sign the application form and they cannot be the holder the licence. They are not responsible for the production or activity, will not be present at the performance or activity and therefore cannot take operational decisions.

There are many organisations who arrange performances or festivals where several groups are invited to take part. There have been differences of opinion as to who is the applicant in these circumstances. It is NNCEE view that there can only be one applicant and the applicant is the organisation that is arranging whole event. It is clear that they will have to work closely with each of the groups taking part in order to be satisfied that safeguarding measures are in place to protect the children but they must have overall responsibility. This responsibility cannot be ignored or passed on to someone else.

Best practice for the responsible person
If the responsible person leaves the organisation, the new responsible person should notify the relevant local authorities and replace the signature on the licence.

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The information and documentation that must be included with an application are set out in Schedule 2 of the regulations. It may be that some information is not available at the time of application and applicants should indicate this to the local authority together with the reasons and an indication of when they will be able to provide the outstanding information.

The standard application form asks for sight of the organisations child protection policy. It is the expectation of the Department of Education and local authority safeguarding units that an organisation working with children and young people has a child protection policy in place.

Best practice for a licensing authority
Request that the organisation forward their child protection policy with the application. If an organisation does not have a policy a "model" child protection policy template can be forwarded for the organisation to adapt to their particular circumstances.

This regulation (4(2)) states the licensing authority may refuse to grant a licence if the application is not received at least 21 days before the day on which the first performance or activity takes place.

This timescale, which has not changed in over 40 years, is to ensure that the licensing authority has sufficient time to carry out the required checks to ensure the child's safety and wellbeing. It is not a default position that should be taken to avoid issuing the licence.

The industry has changed beyond recognition since the first performance regulations were written and nowadays many broadcast programmes are made quite quickly with production team members only joining a couple of weeks before shooting begins. Although the casting of principal parts will take place fairly early on in the process, the casting for smaller parts may be less than 21 days prior to the date of the first performance. This is particularly true of commercials where production appear to work to very tight timescales.

However, forward planning should always be encouraged and the responsible person must consider the risks to children and the arrangements required to mitigate them. Regardless of business or operational concerns the licensing authority must have sufficient time to carry out the required checks and the education, health, safety and wellbeing of the child take precedence. Safeguarding children must not be considered an afterthought.

That having being said, timescales appear to becoming shorter and shorter with pressure on licensing authorities to produce licences at short notice increasing. Production companies must realise there can be no guarantee a licence will be issued.

Best practice for the responsible person
Cast children as early in the production process as possible
Remember safeguarding children is high priority not an afterthought
Communication with the licensing authority is key and contact with the authority should be made early on
Provide all available information to the licensing authority as early as possible; this will enable you to respond to any requirements or conditions they may wish to impose

Submit via email or on line a fully completed application form together with all required documents as a whole package

Best practice for licensing authorities
Adopt the standard application form
Accept applications submitted by email or on-line
Accept scanned documents and jpeg files for photographs, rather than hard copies
Be receptive to early contact by production and be willing to discuss issues prior to the application being submitted

Regulation 5 Licence conditions

This regulation states that the licensing authority must impose any conditions it considers necessary to ensure the child is fit to take part in the performance or activity, that proper provision has been made to secure his health and kind treatment and that his education will not suffer.

This is an extremely important regulation and licensing authorities should not be afraid of using it, indeed they must impose conditions where appropriate in order to fulfil their safeguarding responsibility to the child and to comply with their duty under section 37(4) of the1963 Act.

Best Practice
The following should always be taken into consideration by licensing authorities and the responsible person when they are submitting an application.

Regulation 21 Earliest and latest times at place of performance or rehearsal permits a 15 hour time frame for children under 5 years and a 16 hour time frame for children aged 5 years to school leaving age.
If a child is performing in a stage production traditionally their performance hours are likely to be in the afternoon and evening. However, broadcast performances are a different matter and filming may take place at any time within the stated times; it is therefore essential the licensing authority knows which part of the day the child will be performing. This will impact on travelling time, the child's education and absence from school and if the host authority wish to make an inspection. A licence should never be issued simply stating the child can perform 'within permitted hours'.
Travelling to and from the place of performance must be taken into account by the responsible person when applying for a licence and they should not make the assumption this can be additional to the maximum hours a child can be at the place of performance.
The licensing authority must consider the hours a child will be travelling at either end of the working day when issuing a licence.

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Regulation 23 Breaks on any day on which a child is performing or rehearsing states where a child is present for four or more consecutive hours breaks must include at least one break of forty five minutes. Department for Education guidance 4.7 makes it clear that the breaks stated are the minimum required and children may need more or longer breaks depending on the activity, the child and the individual circumstances. In its report 'Child Performance Regulations: report of the consultation on performance hours and breaks' on the subject of lunch breaks the department states "The regulations will provide that the child must have a minimum meal break of 45 minutes but guidance will clarify that, unless the chaperone considers it appropriate to reduce the break to 45 minutes, the break should always be an hour."
The above statements were further confirmed and supported by the DfE and NNCEE at roadshows held for the sector in Salford, Birmingham and London when the regulations became effective in February 2015. It is the expectation that a child has a lunch break of one hour and licensing officers should ensure that this condition is included on the licence.

Regulation 24 Minimum breaks overnight states a child must have an overnight break of a minimum duration of twelve hours. Department for Education guidance 4.8 states 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. If the licensing officer is expecting the overnight break to be 14 hours this must be stated as a condition on the licence.

Experience has shown that all too often applications are received with the minimum of information in respect of the above.

Reponses to questions 6, 7 and 8 (dates, time, running time and duration) on the application form will more often than not state "within permitted hours". Licensing officers should not accept this answer and should contact the responsible person for specific times where these are available. This is unlikely to be an issue for stage performances. If specific times are not available for filming assignments then at the very least the responsible person should provide an indication of the time frame when the child will be required e.g. during the day between 8am and 6pm, mid-afternoon to early evening between 3pm and 8pm. As stated above a licence should never be issued simply stating that the child can perform within permitted times.

Question 18 (travelling) on the application form will very often state 45 minutes to an hour regardless of where the child is travelling to in the country! Licensing officers should check the travelling time required from the child's home to the place of performance and take this into account when calculating the length of the child's working day. This may result in negotiating a later call time or the provision of overnight accommodation. The result of these negotiations should be included on the licence.

Discussion with the responsible person may result in the licensing authority imposing conditions in respect of:

Any accommodation the child may live in whilst taking part in a performance

The place where the performance, rehearsal or activity is taking place

Any requirements a child may need in respect of a physical disability or medical condition

The licensing authority may have concerns about what the child is being asked to do and the overall content of the production, however it is important to remember that the licensing authority does not have editorial control. For further information see Regulation 7

Best Practice
When there are a number of children from different authorities involved in a production it is best practice for licensing authorities to work together to agree a consistent approach and ensure that the children are working under the same licence conditions wherever possible. Licensing authorities should confirm with production that Question 19 on the application form (name of any other local authority they have applied to) is fully completed.

Regulation 6

This regulation states the condition a licensing authority must impose when an applicant is unable to specify the dates on which the child will take part in the activity, performance or rehearsal at the time of application.

This is referring to what is commonly known as an "open licence" and unfortunately, due to lack of understanding and in some cases entrenched working practices, it is still being issued inappropriately and unlawfully.

Departmental advice 1.7.2 states: 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.

To make it absolutely clear an "open licence" must contain the following:

The name of the applicant, the specific activity and the location together with the specified number of days within a 6 month period. A licence issued without all this information is unlawful.

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Examples

The following are examples of when an "open licence" may be appropriate:

As a supporting or background artist in a TV drama or soap: the licence is issued to the producer (responsible person) for the child to appear in the drama/soap, at a specified location, on a specified maximum number of days within a specified period of time; for a drama this is usually the period of filming, for a soap it is usually 6 months, in either case it cannot be for any longer than 6 months.

As a main cast role in a TV drama or soap: same as above. As a supporting artist in a film: same as above. As a main cast role in a film: same as above.

As a photographic model: an "open licence" may be issued if a child is doing a series of shoots for a single applicant at the same location e.g. a major retailer.

The licensing authority must also impose a condition on the above types of licence that the responsible person gives advance written notice to the licensing authority and the host authority (if different) of the dates and times when a child performs or takes part in the activity. The licensing authority can determine the period of notice they require e.g. 3 days.

Example

The following is an example of how an "open licence" must not be issued.

"ABC council on an application relating to A Child DOB **/**/**** hereby grant to ABC Agency a licence authorising the child to take part in acting, filming, photographic modelling and voice overs" NB. In some cases it may only state one of the above types of performance or activity.

As previously stated, a licence cannot be issued to an agent (they are not the responsible person) and a licence can only be issued for a specific performance or activity. A "licence" issued under these terms regardless of whether the agent notifies the licensing authority of when the child is performing, is not legal; it places the child in a vulnerable position in terms of insurance cover and places the licensing authority in a vulnerable position and subject to challenge.

Feedback from the sector would indicate that when "advertising" for children, production are stipulating to agents they only require "children with open licences". It is hoped this guidance will have the desired effect on licensing authorities to prevent the continued issue of these unlawful "licences", however organisations giving advice on child licensing should

inform their members they are placing children and themselves in a vulnerable position should they engage a child with this type of "licence".

Where NNCEE becomes aware of this illegal practice we believe we have a moral duty to inform senior management at the local authority concerned.

Regulation 7

This regulation allows the licensing authority to decide if they have sufficient information to issue a licence or issue a licence subject to conditions. If they decide there is insufficient information then they must request additional information or documentation to enable them to make a decision.

Requests for additional information should be a two way discussion between the licensing authority and production. In order to make an informed decision the licensing authority needs to know what the child will be doing and the demands placed on it and this should not be viewed as obstructive or bureaucratic. The licensing authority should not request additional information as a matter of course or view this as a "tick box exercise" but as a distinct need for the individual child.

The regulation states that the licensing authority may request that a child be medically examined. There should be a sound reason for requesting this. There may be information in the medical declaration that requires further investigation and a discussion is needed with the parent. The role the child is performing might be physically demanding and again a discussion with production and the parent will be needed. It may well be that production have arranged for an examination as part of the casting process which will satisfy the concerns of the licensing authority. Under no circumstances should the licensing authority approach the child's GP direct.

Some examples when additional information may be requested are:

There may be insufficient information on the application form regarding what the child is being asked to do.

Example
A licensing authority received an application for a child to "play the son of a family" in a TV commercial for a holiday park. No further information was included. A decision could not be taken based on this information. When the licensing authority enquired about what the child would be expected to do they were informed that he would be swimming, riding on a speed boat, kayaking and taking part in archery classes. They needed to understand what actions would be taken to ensure the safety and wellbeing of the child in these activities.

The description of what the child is being expected to do may raise concerns in respect of their physical or emotional wellbeing and further information regarding how this is to be managed is required.

Best Practice
In the play, the children are murdered. One child appears to be stabbed and the other appears to be decapitated. In this case the scene was done in strobe lighting in a sequence lasting a few seconds ς it looked quite gory. The sequence was rehearsed in full light and the inspecting local authorities were invited into the theatre to watch the performance. The scene was explained to the parents at the outset.

Additional information might be required in respect of the location, its' suitability, shelter, facilities.

Further information might be required in respect of education provision.

The licensing authority may have concerns about what the child is being asked to do and the overall content of the production, however it is important to remember that the licensing authority does not have editorial control.

Best Practice
In assessing an application the licensing officer is entitled to ask for any information they think is necessary to make an informed decision about issuing a licence, however it should not be a requirement to see the script to make that decision. The script may not reflect what the child is doing due to the various tools and techniques available to production to achieve the desired effect; in some cases the child is not even present. Licensing officers should discuss their concerns with production and find out how areas of concern will be managed and obtain assurance that language, costumes and actions are suitable and appropriate when the child is present. The measures agreed at the discussion can be included as a condition on the licence.

Best Practice
Best practice for film and television producers is to consider and use techniques to protect children on set. The final edit of a programme may not show what actually happens. So, for example, when a child is shown watching a fight, it is normal for the shot of the child to be filmed separately from the fight. The whole scene, when the two are edited together, will give the impression that the child was there. It is best practice to outline such techniques to the local authority when making an application. It could speed up the issuing process.

Licensing authorities should be mindful that television and radio broadcasters are subject to an independent statutory regulator, Ofcom and are required to comply with rules set out in the Ofcom Broadcasting Code. This includes rules to protect children who participate in programmes and apply irrespective of whether a licence is required for their participation. The Code and supporting guidance is extensive; information about the code can be found at http://stakeholders.ofcom.org.uk/binaries/broadcast/code-july-15/Ofcom_Broadcast_Code_July_2015.pdf and the guidance can be found at http://stakeholders.ofcom.org.uk/broadcasting/guidance/programme-guidance/bguidance/.

The section of the Code relating to the involvement of people under eighteen in programmes is reproduced below:

The involvement of people under eighteen in programmes

1.28 Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis.

1.29 People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes.

1.30 Prizes aimed at children must be appropriate to the age range of both the target audience and the participants.

Regulation 8 Form of licence

This regulation states what must be included on a licence and is mainly self-explanatory.

Although 8(1)(b) states the name of the parents of the child in many cases only the name of one parent is known. Best practice is to insert the name of the parent who has signed the application form if both names are not available.

If dates are not known then the number of days the child will perform, rehearse or participate in an activity together with a period not exceeding 6 months should be inserted as per Regulation 6.

Suggested wording for the statement required at 8(1)(g) is as follows:

a licence authorising the child ς

to take part in a performance/activity on the dates specified below/number of days and during the period specified below subject to the restrictions and conditions laid down in the Children (Performances and Activities) (England) Regulations 2014 and to such other conditions as the local authority or the licensing authority may impose under the said Regulations.

Regulation 9 Particulars that a licensing authority must provide in respect of a licence

This regulation states that the licensing authority must send a copy of the licence to the parent who signed the application form.

It is best practice for this to be sent by secure email.

Best practice
When sending a copy of the licence to a parent they should be advised to read the licence carefully and note the stipulations and conditions stated. Parents very often have little knowledge of the performance regulations but are named as chaperone on

the licence. It is best practice to send a parent chaperone information regarding the role and responsibilities. The restrictions applicable to all performances in terms of permitted hours and breaks together with the requirement to complete a daily record sheet should be included.

Regulation 10

This regulation states that if the performance is taking place in a different authority, the licensing authority must send a copy of the application form, the licence, any additional information or documentation obtained and details of arrangements for the child's education to the host authority.

The reason for this is so the host authority is aware of the performance and can make an unannounced inspection to ensure safeguarding and licence conditions are being complied with.

If the licensing authority fails to comply with this regulation it may be vulnerable to challenge should the child suffer in anyway due to the host authority being left unaware of the performance and therefore unable to make an inspection.

A copy of the licence should be forwarded by secure email to the host authority. Although the regulation states the application form and other additional information should also be forwarded, in most cases there is little benefit in doing this and a paragraph could be included within the body of the email asking the host authority to request this information if required. It is worth pointing out that much of the information contained on the application form will be included on the licence.

Ideally the local authority should give the inspecting authority sufficient notice to plan in an inspection, however in practice that is rarely the case due to the industry operating to very short timescales. Very often only 24 to 48 hours' notice is given.

Best Practice
Best practice is for the local authority issuing the licence to advise the inspecting authority as soon as they receive the application, that a performance is going to take place in their area and confirm that a copy of the licence will be forwarded when issued. This will give the inspecting authority as much notice as possible to plan in a potential inspection.

Regulation 11 Records to be kept by the licence holder under section 39(5) of the 1963 Act

This regulation means that the responsible person must keep the records that are specified on Part 1 of Schedule 3 in respect of a performance and Part 2 of Schedule 3 in respect of an activity.

These records are commonly referred to as either daily record sheets or Schedule 3 records.

The licensing authority has the power to demand sight of these records during the performance and at any time up to 6 months following the date of the last performance.

The records should be kept in "real" time and not completed at the end of the day. Inspection of these records is an extremely useful way of checking the child's working schedule. It enables the licensing authority to ensure that production is adhering to the regulations and licence conditions in terms of hours worked and breaks and that the child is receiving the correct amount of tuition. Inspection of the records at the start of the production can identify any issues early on and allow for them to be resolved. This can be particularly true in respect of tuition which may not have been given the required priority.

Best Practice
Licensing authorities should ensure that they request daily record sheet and build this into their work processes.

Inspection of the daily record sheets should also form part of an unannounced inspection. See Section 6 on Inspections

The information to be recorded and held for a child taking part in an activity is less than for a performance as can be seen from the Schedule. However departmental guidance 4.1 states: Regulation 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 a condition on licences for paid modelling or paid sport.

If that decision is taken then it is reasonable to expect the responsible person to record the same information as for a performance.

Should the licence holder fail to keep the required records or fail to provide them on request, they are committing an offence under section 40(2) of the 1963 Act which on conviction carries a fine or imprisonment or both.

Regulation 12 Production of licence

This regulation states that the licence holder must produce the licence at the place of performance or rehearsal or at the place where the activity is taking place to an authorised officer of the host authority or to the police.

It is essential that the responsible person (licence holder) realises the importance of holding the licence at the place of performance and that it is available should there be an unannounced inspection by the local authority.

Best practice for a licensing authority
When sending the licence to the responsible person reference should be made to this regulation in the body of the email. E.g.
I would remind you that Reg. 12 of the Children (Performances and Activities) (England) Regulations 2014 states that the holder of the licence must produce the licence when requested at the place of performance. It is therefore imperative that you open the attachment, read the licence carefully, comply with any conditions imposed on the licence and retain a copy.

The licence may be available as a hard copy or electronically, it must be available where the performance is happening, it is not acceptable that it is held at "head office" or at a unit base that may be miles away.

When preparing to make an unannounced inspection the licensing officer should have received copies of licences issued by other authorities (Reg.10). However this is not always the case and unfortunately a licensing officer can turn up to an inspection expecting say 10 children to be present only to find there are 15 or more. If the inspection is taking place during the evening or at weekends it will not be possible to check with the relevant authority that a licence has been issued and the inspecting officer is reliant on all licences being available at the place of performance. If the licensing officer is unable to verify that the necessary licence or exemption is in place they cannot allow the child to perform. The potential for this scenario occurring and the following ramification in terms of a distressed child, adverse publicity etc. serves to reinforce the importance of complying with this regulation and also Regulation 10.

PART 3

General requirements applicable to all licensed performances or activities

Regulation 13 Education

This regulation states that a licence must not be granted unless

(1) the licensing authority is satisfied the child's education will not suffer by taking part in the performance or activities, it has approved the educational arrangements for the period of the licence and has approved the (school room) where the education will be delivered.

(2) Subsection 2 states the responsible person (licence holder) must ensure the education arrangements are carried out.

(3) Subsection 3 states the conditions that must be met in respect of the course of study, the teacher, the number of children to be taught and the minimum amount of aggregated hours.

(4) Subsection 4 states how subsection 3(e) can be met in terms of hours of study.

(5) Subsection 5 states what periods of education cannot be included to satisfy 3(e).

The advice given by the Department for Education in its guidance in respect of this regulation is detailed and clear and is stated below.

(link to Index)

Departmental advice 3.1 Regulation 13 ς 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 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

3.1.7 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.

Example

Below is an example of a child who attends a maintained school for five days a week. Over a four week period the child would be required to undertake sixty hours of schooling (3 hours x 5 days x 4 weeks).

Although there is no legislative requirement for a pupil in school to be provided with 5 or more hours education per day, the assumption when calculating any education provided by school is that a school day equals 5 hours.

- Week 1 ς 6 hours (no more than 5 hours in any 1 day)and 1 day in school = 11 hours
- Week 2 ς 10 hours (no more than 5 hours in any 1 day) and 1 day in school = 15 hours
- Week 3 ς 15 hours (3 hours on 5 days) = 15 hours
- Week 4 ς 19 hours (4 hours on 4 days and 3 hours on 1 day) = 19 hours
- Total for the 4 weeks therefore equals the required 60 hours

Interpretation of this regulation and the procedure for arranging education for a child who is performing raises numerous questions and issues from all parts of the sector, as does the actual delivery of education once agreed.

The following section deals with the questions and issues which regularly occur and includes appropriate examples.

Question: What is the trigger point when tuition should be arranged?

Many licensing authorities want to know when they should put tuition in place i.e. at what number of days absence from school.

The regulations do not state if the child requires absence from school for more than a specified number of days then arrangements for education by a private teacher must be made. It would perhaps be easier if they did but they don't!

It could be inferred from subsection 3(e) that education should be arranged for every day that the child misses school. However the decision must be based on whether the child's education will suffer by taking part in the performance. This must be taken based on the particular performance in question and the needs of the individual child. What is suitable for one child may not suit another.

If a child is involved in a long running production e.g. a touring stage production, a feature film or drama series and requires considerable absence from school, the decision to put tuition in place is a straightforward one.

It is less clear cut when the child is only required for 1 or 2 days or the child has taken part in a number of different performances for 1 or 2 days over a period of months.

If a child is performing for one day the schedule for such a short period of time is unlikely to allow time for tuition. It is also debatable as to whether one off tuition in this scenario will be of any benefit to the child. Far better that the child brings work from school to complete during periods when they are not working or there is an agreement with school they catch up on any work they have missed.

Example 1

A child is taking part in a television commercial for two days on days when they would normally attend school. The child has a 95% attendance record and would be at school for the three remaining days that week. There are no other known performances in the pipeline. The school consider him to be 'A star pupil'.

It could be argued that tutoring was most definitely required as the child was missing school and therefore must receive a minimum of three hours tuition on each day. A reverse argument might be that the child is up to date with his studies, well thought of by the school and well able to make up for the time lost. It might also be stated that an ƨdzűăʎŘŜ űdzűƨℕ Y˙I·è ǿƨℕ℩ I·∃I·ʎyãű űKŜ űŜI·ŎKʎy∃ Y˙ŜűKƨŘƨfƨ∃è ƨ₸ űKŜ ŎKʎfŘ₪ă ăŎKƨƨfΣ I·yŘ ŜăăŜyΰʎI·ffè yƨű ʎy˙ΰKŜ ŎKʎfŘ₪ă ōŜăű ʎyΰŜℕŜăΰΦ
It is therefore clear that a discussion should take place with the school to clarify this.

Example 2

A child is engaged in a London West End musical where he performs in one team of three engaged by production. This means that one day every three weeks he will take part in the afternoon matinee and then the evening performance. The child's licence is to run for six months.

Is tutoring appropriate/necessary in this case?
When looking at the overall situation over the length of the licence it can be seen that 8 days schooling or education is lost. However, when would you insist on tutoring the child, I·yŘ ŘŜăLJʎΰŜ űKŜ fƨăă ƨ₸ ŘI·èăΣ ǿƨdztŘ ʎΰ ōŜ ʎy˙ΰKŜ ŎKʎfŘ₪ă ōŜăű ʎyΰŜℕŜăΰK
For example, if the child is at the theatre from 1.30pm (2.30pm matinee performance) finishing at 5pm. The child then needs to eat and rest prior to being back at the place of performance for 6.30pm (7.30pm evening performance). This leaves only the morning to receive education, and of course he is likely to need to leave home for the theatre at 12noon. Bearing in mind the hours of study count towards the permitted hours at the place of performance this will leave a maximum of 2.5 hours available (1 hour if under age 9). Is this too much to ask at the beginning of what is a very long day.
If the school have initially approved absence, then perhaps it is safe to assume this I·ōăŜyŎŜ KƨfŘă yƨ ŎƨyŎŜℕyã I·ă űƨ űKŜ ŎKʎfŘ₪ă ŜŘdzŎI·ΰʎƨyK

Example 3

A child is taking part in a feature film in which he has a medium role. This requires filming over 16 weeks and the child will be required for filming two days each week. Occasionally this could stretch into three days and on rare occasions four days. These will not be same days each week and some will fall on non-school days. The exact schedule is not yet to hand and in any event will change at short notice due to numerous factors including weather, sickness and location availability.

In this example, it is probably clear that tutoring arrangements most definitely need to be put in place. However, how do we count these days? Sub-section 3(e) allows for these to be aggregated over the term of the licence, in four week segments. This means that, when aggregated, the child will have received tuition for at least 3 hours on each day they have been absent from school, having received no more than 5 hours tuition on any day. Periods of less than 30 minutes do not count towards the calculation.
It sounds relatively simple, but the reality is less so, given that during the 8 or 9.5 hours at

the place of performance the child must be given approximately a total of 1.5 hours in breaks, there is also time in make-up, and in wardrobe, before even contemplating performance time. So to enable the product to be made as quickly as possible (and get the child back to school) careful discussion with production, school and the tutor engaged needs to take place.

When making arrangements for education it is imperative that the school is included. They will know what course of study is best for the child. The responsible person should ensure that the private teacher and the school have an initial discussion regarding the child's study requirements and that they liaise throughout the production to ensure the child is achieving agreed targets.

Best Practice

We were approached by a film production company that was proposing to make a feature length film involving 2 main cast children and 2 main cast child doubles. Filming was to take place over a period of 5 months including school holidays and the children were going to be in just about every scene. The children were between 13 and 16 years old and one main cast child was from the USA. The production company contacted us as soon as the main cast children were cast ς several months before filming started ς to discuss the tutoring requirements. As a consequence of our intervention the film company agreed to source a tutor for the American child who was familiar with the USA curriculum. Once filming started both main cast children were provided with individual tutors and tutoring rooms. The 2 main cast doubles were tutored together in a 3rd tutoring room. All tutoring rooms were equipped with computers and an internet connection as well as text books and specific equipment to meet the individual child's needs, for example a keyboard was available for one child to practise for music exams. The tutors were in contact with the children's individual schools to agree a course of work.

As the inspecting local authority, we received records of tutoring periods on a weekly basis. Unannounced inspections were made regularly and we made sure we spoke to the tutors, building a supportive and strong relationship and providing contact details for them to get in touch with us if they had any concerns. The film company did struggle to tutor the main cast children for the required number of hours. However, by working with the company from the outset, we were able to alert them to any possible shortfalls and they agreed to change some scenes so they could involve the 'doubles' more and reduce the burden on the main cast children.

The standard of tuition was excellent and feedback from parents was that their children were enjoying and benefitting from the 1:1 or 1:2 tuition.

(link to Index)

Question: How do we check the private teacher is a suitable person to teach the child in question?

It is important to remember the licensing authority is approving the arrangements made; they are not required to make the arrangements. This responsibility falls to the licence holder and they must ensure the private teacher they propose to engage is suitable to teach the child in question.

Best Practice
Best practice for the licence holder would be to ask the private teacher to provide an up to date CV, to obtain 2 references and for the licence holder to carry out background checks i.e. Enhanced DBS check.
The licensing authority should ask the licence applicant to complete the Private teacher ς suitability check pro-forma which should be held with the application for performance licence form.

If the private teacher does not have an Enhanced DBS disclosure then an approved chaperone should be present when the child is being taught.

Question: What times during the day can a child be tutored?

Subsection (5) of the regulation states ς any period of education does not include ς (a) any period which take place other than during the hours when a child is permitted to be present at a place of performance of rehearsal under Reg.21. The earliest and latest times a child aged 5 and over can be at the place of performance is 7am and 11pm.

It is acknowledged that morning is the best time to tutor a child and whenever possible production should work their schedule to allow this. When this is not possible then tutoring should take place during the afternoon with a latest finish time of 4pm or 5pm depending on the age of the child.

It is not acceptable for tutoring to take place in the evenings following the working day; this is not in the best interests of the child and will cause his education to suffer. Licensing authorities should make use of Regulation 5 and impose a condition that tuition must take place during the morning and afternoon.

It must be remembered that any period of tuition counts towards the maximum number of hours in a day that a child may be at the place of performance or rehearsal.

Question: Can children be tutored on a Saturday and during the school holidays?

Subsection 3(e) states the amount of education a child must receive on each day he would be required to attend school if he were attending a school maintained by the licensing authority.

A child attending a local authority maintained school is required to attend on Monday through to Friday; they are not required to attend on a Saturday and/or Sunday. This means a child cannot be tutored on a Saturday and/or Sunday regardless of what type of school they attend.

The same applies to school holidays; the child is not required to attend so tuition cannot take place during holidays.

Best Practice
There can be occasions when children from a number of different authorities will be involved in a production; these children may have different school holidays. In this situation it is considered best practice for the local authorities involved to agree to work to the school holiday timetable of the local authority where the performance is taking place.
This has two advantages; all the children will be treated the same and working to a single end date will make scheduling easier for production.

Can the time a child spends at school be counted towards the minimum requirement?

Regulation 13 (3) applies to the provision of education by a private tutor and 3(e) specifies the minimum hours required per day when aggregated. The Department for Education in their advice 3.1.7 state: However, the last limb (i.e. 3(e)) 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.

NNCEE believe that the licensing authority has to look at the circumstances for each individual child. However they should not simply aggregate the hours spent in school to achieve the minimum requirement of 3 hours per day. The child may be absent on the same day or days each week meaning they receive no education in a particular subject for a number of weeks. A mixture of school and private tuition can be appropriate.

How do schools mark the register if a child is receiving tuition from a private tutor?

Providing it is confirmed that education has been received and there is ongoing contact between the school, tutor and parent the register may be marked with a B code. However it is the responsibility of the school to ensure that the code they use is lawful in the given circumstances. Schools should check with their School Attendance Service.

What involvement is required from the licensing authority regarding education arrangements when a child is home educated?

Under Section 37(4) of 1963 Act the local authority must ensure that a child's education will not suffer before a licence a granted. It is suggested that where a child is home educated the licensing authority should consider the overall educational provision the child will be receiving i.e. the provision at home and/or provision arranged by the licence holder.

(link to Index)

Regulation 14 Earnings

This regulation states that the licensing authority may include a condition on the licence that the sums earned by the child are dealt with in a particular way.

NNCEE believe the purpose of this regulation is to ensure that parents and those with parental responsibility do not unjustly spend a child's earnings.

In many cases the sums involved will not warrant a condition and licensing authorities will very seldom, if ever, need to take this into consideration. However a main cast child involved in a high profile film or television series/programme could receive significant sums of money. In these cases or when a child gets consistently high levels of work the licensing authority should consider whether a condition on where the sums are placed is appropriate and in the best interests of the child.

Prior to placing any condition on the licence there must be a discussion with all parties prior to any decision being taken.

Regulation 15 Chaperones

This regulation states that a licensing authority must approve a chaperone to have care and control of a child and to safeguard, support and promote the wellbeing of the child while he is taking part in a performance, rehearsal, activity or living away from home during the period of the licence.

Subsection (2) states that the above does not apply if the child is being cared for by a parent or teacher who would ordinarily provide the child's education.

Subsection (3) states the maximum number of children a chaperone may care for is twelve or if the chaperone is the private teacher of the child in question, three.

Subsection (4) states the licensing authority must not approve a person as a chaperone unless they are satisfied the person is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question and will not be prevented from carrying out their duties to the child by other duties. *See section 5 Chaperones*

Subsection (5) states when a child suffers illness or injury while in the care of a chaperone the licence holder must notify the parent and the licensing and host authorities immediately.

A child taking part in a performance or activity under licence or a rehearsal within the licensing period must be supervised at all times by a local authority approved chaperone unless they are under the direct supervision of their parent or a person who has legal parental responsibility or their teacher. This also applies when the child is living away from home during the period of the licence.

Best Practice
It is considered best practice for local authority chaperones to be employed for performances exempted under section 37(3)(a) of the 1963 Act and performances under a body of persons approval. See Section 4 Body of Persons Approval.

The chaperone is the key person who protects, safeguards and supports the child. He or she is the point of safety a child can turn to and rely on should the need arise. The chaperone has a major part to play in ensuring that the child's experience is enjoyable and beneficial. The role of the chaperone is so important that a complete section on the approval of and the responsibilities of the chaperone has been included in this guidance. *See Section 5 Chaperones*

Regulation 16

This regulation states that the licensing authority must approve the accommodation where the child will be staying if they are unable to live at home while taking part in a performance or activity. It goes on to state the licensing authority may impose certain conditions regarding transport to and from the place of performance to the accommodation, arrangements for meals and any other conditions to ensure the child's welfare while at the accommodation.

In the majority of cases accommodation is not required as the child will be performing within an acceptable travelling distance from home. However the distance a child is expected to travel does appear to becoming longer and longer and licensing authorities when appropriate should suggest to production the child is accommodated overnight in a hotel.

Approval of the accommodation does not necessarily mean that an inspection needs to be carried out. If the child will be staying in a hotel from a known, quality chain then it is perfectly acceptable to make enquiries via the internet regarding the facilities available and the location. An email should be sent to the local authority where the hotel is located asking whether they have concerns regarding its' suitability and a check should be made with the licence applicant to ensure that the child and the chaperone have adjacent rooms and interconnecting doors where possible.

However there may be times when further enquiries are needed.

Example

A main cast child was taking part in drama series and was being accommodated in a hotel from a quality hotel chain in a city centre. However due to the length of time the child was going to be living at the hotel an inspection was made by the local authority. The proposed accommodation was perfectly acceptable for a short stay of a few nights but this child was going to be there for a number of weeks. There would not be sufficient space to allow him quality down time and for the completion of school work. It was agreed that the accommodation be upgraded to a suite in order that it could be approved as suitable for the individual child.

For some cases a private house is rented to accommodate the children involved in a production e.g. West End productions with a large cast of children or children's drama series. Here an inspection of the accommodation will be required to check on the standard

of the facilities, location and layout of the property, living and sleeping arrangements, facilities for completing school/homework, internet/WFI availability.

In the above situations the accommodation is solely for the use of children and chaperones, however the licensing authority must ensure that this is the case when given a private address as the proposed accommodation.

Example

A television company was making a reality/observational documentary which required a number of children to live in a large well-proportioned house in a stockbroker belt area. The children would live in one part of the house, their parents in another part and 6 to 8 members of the production crew were also going to be living there.
This raised a number of questions i.e. did the crew smoke, drink and what was the potential for inappropriate language and behaviour around the children bearing in mind that the crew were entitled to personal down time at the end of the working day.
Would additional chaperones be required and would these arrangements be conducive regarding tutoring.
To resolve the accommodation issues discussions were held with the production executives, the parents, on site crew and the children. Clear demarcation lines were drawn and no go areas "after dark" were agreed.
Preparation, an inspection of the accommodation and discussion were very much needed in this case before the authority was able to approve the accommodation as suitable. It should be said that all went well with this production.

Regulation 17 Place of performance and place of rehearsal

This regulation states that the licensing authority must approve any place where the child will perform, rehearse or take part in an activity. The licensing authority must be satisfied that certain criteria are met such as provision for meals, suitable dressing rooms, toilet facilities, adequate shelter and rest areas before they can approve the location.
Subsection (3) allows the licensing authority to make its' approval subject to conditions.
Subsection (4) states that children who have attained the age of 5 years may only dress with children of the same sex otherwise the arrangements are not suitable.

Licensing officers will be familiar with many of the venues within their authority and will have approved them as suitable places to perform.

When a child is performing in another area the licensing authority should email the relevant local authority for confirmation that the venue being used is approved as suitable.

Where the place of performance is an outside location then the licensing authority should confirm with the responsible person (licence applicant) what arrangements are in place in terms of shelter, toilet facilities, refreshments and meals. If it is a large scale production this could be the provision of a winnebago, honeywagon and catering facilities provided on site. Smaller scale performances e.g. a TV commercial may utilise a nearby community centre or church hall. The licensing authority should ensure it is satisfied the building and its' facilities are suitable.

Licensing officers may be asked for advice on how best to utilise the facilities available at a venue in order to comply with Regulation 17. This is particularly true of amateur groups using a church hall or community centre where accommodation and facilities are restricted. Licensing officers should be helpful and adopt a common sense approach to resolving any issues.

Example

How to overcome common accommodation issues encountered at small local venues:

Consider division of main room into sections using screens or even a washing line with curtain thrown over!
Covering of windows and glass in doors with paper or newspaper
Children arriving in and wearing a" base uniform" of black t shirt and leggings to enable costume changes to take place

Regulation 18 Travel Arrangements

This regulation states the licence holder must ensure that suitable arrangements are in place to get the child home or to any other destination following the last performance or rehearsal or the end of the activity on any day.

It is important the licence holder realises his responsibility in this respect and the licensing authority can impose a condition on the licence regarding travel arrangements.

Best Practice
It is considered best practice that no child should be left to go home alone. They should be signed over by the chaperone to either a parent, or someone with parental responsibility or to a known person whose details have been given to licence holder. A child who is living in accommodation provided by the production will be accompanied there by the chaperone.

PART 4 Restrictions in relation to all performances

Regulation 19 Application of this part

The requirements in this part of the regulations apply to all licensed performances and to all performances which are exempted from obtaining a licence under section 37(3)(a) of the 1963 Act.

These restrictions do not apply to performances under a body of persons approval. However, when issuing a body of persons approval a local authority can place any condition they feel appropriate. Compliance with this part of the regulations in terms of times at the place of performance, hours of work and breaks would seem to be appropriate and reasonable.

Regulation 20 Employment

This regulation states a child taking part in a performance cannot be employed in any other employment on the day of the performance or the following day.

This is referring to any part time job a child may have e.g. paper round, working in a shop etc. It is not referring to another performance production the child may be taking part in.

The ability of a local authority to enforce this requirement is limited, however where there are obvious concerns licensing officers must raise the issue with parents and if required include as a condition on the licence.

Regulation 21 Earliest and latest times at place of performance or rehearsal

This regulation sets out the earliest and latest times a child can be at the place of performance or rehearsal.

This regulation does not apply if the performance or rehearsal is taking place where the child ordinarily lives or receives education.

As previously mentioned (see Reg. 5) it should not be the assumption that the 15 and 16 hour time frame is the norm in all situations. The licensing authority may wish to impose a condition in respect of a later start time or earlier finish if it is in the best interests of the child.

Best practice
A long running TV series regularly uses children both as main cast characters and background artists. It is usual practice that the set shuts down at 8pm. It has been agreed that licences will be issued with a latest permitted time of 8pm. If on occasion a child should be required after that time the licence holder will advise the local authority and an amendment will be issued.

Link to NNCEE table

Regulation 22 Attendance at place of performance or rehearsal and hours of performance

This regulation states the maximum number of hours a child according to their age can be at the place of performance or rehearsal, the maximum hours they may perform or rehearse in one day and the maximum time they may perform or rehearse continuously.

See Department for Education Advice 4.4, 4.6 and 4.7 below.

Subsection (2) is stating the hours the child is tutored to comply with the arrangements approved under Regulation 13 must be taken into account when calculating the number of hours they can be present at the place of performance. This is the case even if the education is provided at a location other than the place of performance i.e. the unit base, a hotel room.

(link to Index)

Example

As the regulation does not differentiate between types of performance i.e. broadcast and non-broadcast, care must be taken when children under the age of 9 are performing in stage shows, in particular when they are performing in two shows on one day.
A child under the age of 9 is permitted to be at the place of performance for 8 hours; if they are taking part in two shows it is more than likely they will need to leave the theatre between shows. They may perform for a maximum of 3 hours so licensing officers must ensure that the child's aggregated performance time over the 2 shows does not exceed this. In most cases this will not be an issue as the child's actual time on stage will be well within the permitted time, however there are a few productions where the child is on stage throughout the performance. In instances such as these production should have two teams of children.

Link to NNCEE table

Regulation 23 Breaks on any day on which a child is performing or rehearsing

This regulation states what breaks according to their age a child must have when performing or rehearsing.

Subsection (1) states the breaks for children under 5 years.
Subsection (2) states the breaks for children aged five or over if present for more than 4 but less than 8 consecutive hours.
Subsection (3) states the breaks for children aged 5 or over if present for 8 or more consecutive hours.

See Department for Education advice 4.7 below
Subsection (4) states the break a child must have between consecutive performances.
Subsection (5) states the break required if the performance or rehearsal is less than one hour in duration.

Link to NNCEE table

Breaks between consecutive performances

Subsections (4) and (5) state the break required when a child is performing in consecutive performances.

If we deal with subsection (5) first. This states where the earlier performance or rehearsal is less than one hour in duration and the following performance takes place at the same venue or location; or there is no time required for travel between the earlier and consecutive performance, then the break may be reduced to a minimum of forty-five minutes.

It is clear this reduction to forty-five minutes only applies as specifically stated above i.e. the performance or rehearsal is less than one hour in length and is at the same venue. In their report of the consultation on performance hours and breaks the Department for Education state: We have decided to allow flexibility so that the minimum break between

performances ca be reduced to 45 minutes, where the performances are less than 1 hour and take place in the same venue.

Subsection (4) states: Subject to regulation 23(5) (if the performance lasts for more than 1 hour this does not apply) a child must have a break of a minimum duration of one and half hours between the child's participation in consecutive performances where on the same day-

(a) The child performs the same part or takes the place of another performer in more than one instance of the same performance including rehearsals, falling within section 37(2)(a) or (b) of the 1963 Act, for which a licence has been obtained;
(b) The child is taking part in performances under different licences granted in respect of the child; or
(c) The child is taking part in a performance for which a licence has been obtained and in a performance which a licence is not required under section 37(3)(a) of the 1963 Act

Subsection 4(a) is referring to performances for which (a) a charge is made and (b) is taking place in licensed premises and a break of one and half hours is required. In most cases this means stage performances; a film set or TV studio would not fall into this category.

Subsection 4(b) means that a child can take part in two different types of performances on the same day and a break of one and half hours between the two performances is required.

Subsection 4(c) means that a child can take part in a performance under licence and a performance under the '4 day rule' on the same day and a break of one and half hours between the two performances will be required.

There is some varying interpretation of Reg. 23(4) with the wording 'the child's participation in consecutive performances' being the point in question. Does the 90 minutes mean from when the child's participation in show 1 ends and his participation in show 2 begins? Or from the end of show 1 to the beginning of show 2? This is open to different interpretations.

Notwithstanding the above interpretation regarding participation it is the view of NNCEE this cannot be applied to pantomimes.

Best practice
We all know that children taking part in pantomimes appear in the first part, the middle part and at the end of the show in the finale and curtain call. This has always been the case and there is no doubt that taking the curtain call is classed as the child's participation in the performance i.e. they are taking part up to the finish/end time of the performance. It is extremely important in terms of the child's experience and enjoyment of taking part that they participate in the curtain call as an appreciation and acknowledgement of all their hard work and commitment to the success of the production. NNCEE would view the removal of this right to a curtain call in order to simply bring forward the start of the required one and half hour break between performances as cynical on the part of production and not in the best interests of the

child.
It is clear, therefore there should be a break of one and half hours between consecutive performances.

There may be some productions where the child appears only in the first or second part of the performances and in these cases it may be feasible to commence the break from the end of his/her appearance in the show; however we would still advocate for the child's right to take the curtain call.
In respect of pantomimes, other than ensuring a child does not take part in consecutive performances by using 2 or 3 teams, there is no other option than to have a break of one and half hours between performances.

Best Practice
There have been a various schools of thought on what constitutes the 'child's participation' in a performance particularly regarding taking the final curtain.
This has to form part of their participation in the performance as they will remain in costume backstage and will still be under the restraints imposed upon them. As stated earlier NNCEE believe that children should take the final curtain as an acknowledgement of their hard work and contribution to the success of the show.

Regulation 24 Minimum breaks overnight

This regulation states that subject to regulation 28 Night-work, a child must have an overnight break of a minimum of twelve hours.

See Department for Education advice 4.8 below.

The above regulations state the minimum breaks that a child must have according to age, however licensing authorities must take into account the guidance issued by the Department for Education.

In its advice the Department for Education has stated the following:

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 regulation 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.

Although it is clear in guidance that the number of hours a child can be at the place of performance and perform and the minimum breaks stated should not be considered the norm, it is apparent that is what is happening in practice.

As mentioned on Page 17 Licence Conditions it is the expectation that a child's meal break should always be for 1 hour. It is again worth re-iterating the importance of regulation 5 and licensing authorities must impose conditions where it is in the child's best interests.

Licensing authorities should consider whether a continuous performance time of 2.5 hours without a break for a child aged 5 and over is appropriate. It is worth noting that lessons in a secondary school let alone a primary school, are not normally longer than 2 hours duration.

The licensing authority has to consider the needs of the individual child in question when making a decision on whether to issue a licence and impose conditions, however it is important to adopt a consistent approach whenever possible. Where there are a number of children involved in a production discussion should take place with all the local authorities and production to agree an approach and ensure that where possible the children are working to the same licence conditions.

PART 5 Restrictions and exceptions in relation to all licensed performances

Regulation 25 Application of this part

This part of the regulations apply to all licensed performances.

(link to Index)

Regulation 26 Maximum number of consecutive days on which a child may take part in performances or rehearsals

This regulation states that a child must not take part in performances or rehearsals on more than six consecutive days.

When receiving performance schedules for stage performances licensing authorities must ensure the number of days is not exceeded due to there being no break between the date of the first performance and the rehearsal schedule. Amateur groups can often overlook this requirement when planning their schedule.

Example

If the show was to run from Monday to Saturday, then the dress rehearsal could be held on the Saturday and the technical rehearsal, without the children, on the Sunday.
If this is not acceptable to production there are two options:

a) To reduce the length of the show by one day, or
b) Have two teams

The licensing authority must take into consideration the overall length of the production. A child who is being asked to perform on 6 consecutive days over a number of weeks will not be able to consistently deliver a quality performance. They can impose a condition that the child may only work for a maximum of 5 consecutive days at least giving the child the equivalent of "the weekend off".

Example

A request was received for a licence for a child aged 10 years to rehearse on 6 days a week for 6 weeks prior to a live recording for broadcast. Rehearsing was to take place during school time from 1pm to 10pm Monday to Friday with a full days' rehearsal from 9 am to 6.30 pm on each Saturday. Absence from school was granted by the school for the 5 afternoons only for the 6 weeks.
The local authority felt this was an excessive amount of rehearsing when taking into account the fact that the child was expected to be in school each morning. Discussion was held with the production company, and with the parent, and assurances were given that the child probably would not be required for every rehearsal day. The amount of rehearsing and the child's ability to cope without their school work being affected was monitored during the course of the rehearsal and performance, and adjustments were made as appropriate.

Example

A film company requested a licence for a child aged 11 years to perform on 22 days during a 6 week period. A condition was put on the licence that the local authority was to be informed of the actual days of rehearsal and performance at least 3 days in advance. In the event due to sickness and poor weather the start of filming was delayed. Consequently when the revised schedule was produced the production company was proposing that the child would perform or rehearse or be tutored on 6

days a week for 4 weeks, with the one day off each week being used as a travel day. This was felt to be excessive and after discussion with the production company and the parent, a new schedule was agreed with the child having 1 rest day for 2 of the weeks and 2 rest days for the other 2 weeks. The amount of travelling was reduced, with more overnight accommodation being provided. Daily record sheets were requested on a weekly basis and the situation was monitored by the Local Authority in discussion with the parent.

Example

A production company was making a living history programme in which a number of families were to experience the living and working conditions poor families endured over 100 years ago. Filming was to take place over a period of 3 weeks. Due to the nature of this filming and the length of the filming period it was agreed the children involved should work a maximum of 5 consecutive days.

Regulation 27 Break in performances

This regulation states a child must have a break of 14 days if he has performed on the maximum number of consecutive days for 8 consecutive weeks.

Regulation 28 Night work

This regulation states the conditions that must be met should a licensing authority permit a child to perform before the earliest permitted time or after the latest permitted time.

Now that the latest permitted time for broadcast performances is 10pm for children under 5 years and 11pm for those over 5 years, the demand for "night work" has been reduced.

A request for "night work" can be made for all types of performances i.e. stage, television and filming. It is anticipated there will be minimum demand for stage productions as these performances usually end between 10pm and 11pm. The request can apply to a performance that is taking place either indoors or outdoors.

The licensing authority must ensure that the proposed hours for a child to work between the latest and earliest permitted times is included in the maximum hours permitted under Reg.22. Any hours agreed are not in addition to the maximum permitted.

The licensing authority must ensure there is a 16 hour break from the end of the performance and the start of the following performance or rehearsal.

If a child has performed between the latest and earliest times on 2 consecutive days then they cannot participate in any further "night work" during the 7 days following those 2 days.

It is important licensing authorities remember they do not have to permit "night work"; the regulation states they may permit. Each request should be viewed on its' merits and whether it is reasonable. Could this take place within permitted hours and production have only requested it because it suits their schedule better in terms of cost and availability of

crew and equipment? Is it in the best interests of the child? What is the potential impact on the child's education in terms of any arrangements that may have been made under Reg. 13 or absence from school?

Example

A show involving children is to be made at the British Museum. The production team is only allowed access from 9pm as the building is open to the public to 7pm and it then has to be cleaned. A request is made for the children to arrive at 9pm and the proposed wrap time will be 1.30am.
The licensing authority must decide whether the request is reasonable. Could access to the building have been any earlier? Could the schedule be changed to ensure the children are filmed first and therefore finish earlier? The age of the children must be taken into account when agreeing a finish time and a licensing authority may feel that midnight is late enough.

Example

An advertising company wants to make a TV commercial for a leading high street supermarket. The application is submitted for the filming to take place at a large branch of the supermarket after 10pm when the supermarket has closed. The children have a call time of 8.30pm and filming will be finished by 2am.
Would this be considered a reasonable request? Depending on the day supermarkets do not tend to be at their busiest during the evening hours so would it not be possible to film during permitted hours in this instance? However an overriding factor is that supermarkets have to close at 4pm on a Sunday due to Sunday trading hours. Filming could take place then and be completed within permitted hours.

Example

We were approached by a company who wanted to film a TV commercial and due to the product they were advertising they needed to film exterior shots at night. As filming was taking place in June darkness only truly fell around 11pm and filming was only likely to finish at 5am. They were using children aged 8 to 15 years as background artists and wanted them to film over 2 nights.
A number of local authorities had children taking part and through discussion at an early stage with each other and production were able to agree a consistent approach. It was acknowledged that filming had to take place between the latest and earliest permitted hours; the time of year, midsummer had impacted on the length of time the children were needed. The licensing authorities wanted to reduce the effect working these hours would have on the children in terms of both the physical impact i.e. disruption to sleep pattern, tiredness and the impact on their education.
The company was advised it must take into account that some children may be taking exams and they should avoid using Year 11 and possibly Year 10 children. As the children would be required through the night until the early hours of the morning it was agreed they would only be licensed to film for 1 night. It was considered that 2 consecutive nights was not in the best interests of the children and would have resulted

in 3 days absence from school. Restricting to 1 night reduced the school absence and the recovery time that the child needed.
This was agreed with the company and 2 teams of children were used to cover the 2 nights of filming.

Best practice for licensing authorities is:
If it is possible for filming to take place within permitted hours then a licensing authority should not agree to "night work".
There must always be a discussion with the responsible person (licence applicant) prior to the licensing authority permitting a child to perform between the latest and earliest permitted hours.

Regulation 29 Chaperone discretion

This regulation states that the chaperone may allow a child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in regulation 21 providing ς

The total of performing hours including the additional hour the child takes part do not exceed the maximum hours under Reg. 22. The chaperone believes the welfare of the child will not be prejudiced and the conditions requiring this arose outside of the control of the licence holder.

Making use of this regulation must be the exception not the rule and productions must not view this as an "additional hour" they can take advantage of; this is not a decision the licence holder can make, the decision is the chaperones' alone. If the child has already performed for the maximum permitted hours according to their age then the chaperone cannot exercise discretion whatever the circumstances.

The chaperone should only exercise discretion if the circumstances have arisen outside of the control of the licence holder i.e. unforeseen circumstances. An example of this might be equipment failure or a power failure. It would not be acceptable to cite schedule overrun. Whenever they decide to exercise discretion the chaperone must be sure that it is not to the detriment of the child's welfare.

When a chaperone allows a child to perform after the latest time specified in regulation 21 the licence holder must ensure that the chaperone notifies the licensing and host authorities on the following day. They should provide a reason for their decision.

Local authorities must monitor the use of this discretion carefully, review the reason for allowing the child to perform and ensure it has been used appropriately. They must ensure that notifications are received within the timescale specified and best practice is to send written acknowledgment to the licence holder when used. If the licensing or host authority identify inappropriate or frequent use they must enter into discussion with the chaperone and the licence holder.

Subsection (3) of this regulation states that the chaperone may allow the meal break to be reduced when the child is taking part in a performance or rehearsal outside providing it is not less than 30 minutes and the maximum hours that the child can perform is not exceeded.

Example

It might be appropriate to reduce the break if the weather was particularly cold. It would be in the best interests of the child to finish earlier avoiding even colder weather as the day progressed. The same may be an option if the day was a particularly hot one.

PART 6 Licences to perform and participate in activities abroad

Regulation 30 Form of licence

This regulation states the information that must be included in a licence for a child performing abroad.

Regulation 31 Information to be provided to consular officer

This regulation states the information which the justice of peace must send to the Secretary of State for transmission to the appropriate consular officer.

The issuing of licences for children to perform and participate in activities abroad is outside the remit of local authorities. In circumstances when a licence is required this is issued by a justice of the peace at the magistrate court. See Section 3 Children and Young Persons Act 1933

SCHEDULES

Schedule 1 Revocations
Schedule 2 Information Required For A Licence Application
Schedule 3 Records To Be Kept By The Licence Holder

Explanatory Note

(link to Index)

SECTION 3

The Children and Young Persons Act 1933

Section 23 Prohibition against children taking part in performances endangering life or limb

This section states that it is an offence for any person (or a parent who allows it) to allow a child under the school leaving age to take part in a performance in which his life or limbs are endangered. A "performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist.

It is clear that in order to fulfil their safeguarding responsibilities the licensing authority must protect a child and ensure that their life and limbs are not endangered by taking part in a performance. It can be taken as clear cut that a performance as a contortionist is dangerous and inappropriate for a child.

Acrobatic performances are less clear cut when one thinks of the content of some dance routines that children are involved in together with acrobatic troupes appearing on television programmes.

With the increased incidence of new forms of dance performances the distinction between the routines performed by gymnasts, which are subject to the controls and safeguarding measures of the relevant sporting body, and the gymnastic/acrobatic type of performances that make up elements of street dance, hip hop, LA Style, Break dance and other popular dance styles is becoming blurred. Dance performances clearly come within the realms of the Performance Regulations and may also be considered a 'dangerous performance' where there is an obvious acrobatic content. Local authorities should look at each situation on a case by case basis and seek advice from their legal departments, however the overriding concern must be the safety of the children.

Example

An application was received for an act to take part in a high profile talent contest. The content of the act involved acrobatics and consideration had to be given whether this fell into the category of a dangerous nature. Further investigations took place and it was established that all of the children involved were registered gymnasts, the vast majority had represented Great Britain in gymnastic competitions and were highly proficient in what they did. It was also established that the content in the routine was nothing additional to the skill level required or undertaken in their normal gymnastic performances. As a result of these investigations, discussions and a detailed risk assessment this particular performance was deemed not to be a risk to these children and a licence was issued.

(link to Index)

Section 24 Restrictions on training for performances of a dangerous nature

Subsection (1) of this section states that a child under the age of 12 cannot be trained to take part in a performance of a dangerous nature.

Subsection (2) of this section states that a local authority can grant a licence for a child who is 12 years or over to be trained to take part in performances of a dangerous nature.

Subsection (3) repealed.

Subsection (4) of this section states the terms under which a licence may be issued including any conditions the authority may wish to impose to protect the child. However a licence cannot be refused if the authority is satisfied that the child is fit and willing to be trained and proper provision has been made to secure his health and kind treatment.

It is rare that a licensing authority will be approached to issue a licence for a child to take part in a dangerous performance. Best practice is to enter into a full discussion with the licence applicant regarding what the child is doing and what arrangements are in place to mitigate the risks. The licensing authority should take advice from their legal services department before issuing a licence.

There have been concerns in the past from licensing authorities regarding children flying in stage performances notably "Peter Pan" as to whether this would constitute a dangerous performance.

Best practice for licensing authorities

Peter Pan is a pantomime that has had children flying for at least forty years and numerous local authorities have licensed children under the age of 12 to appear in it and to "fly".

Obviously certain criteria have to be dealt with and the essential ingredient is a quality risk assessment carried out by a company that specialises in this. Such companies have a standard risk assessment that mitigates risk including cable strain weight for age is measured and to provide the necessary safety and balance. Licensing officers have contacted their Health and Safety departments regarding this who agreed that the mitigation of the risk assessment meant that the child was under no undue risk and all possible precautions had been taken. Parental consent can be obtained and that they agree the safety margins are to their satisfaction.

The specialist company install the equipment, test it and train the stage crew how it works and how to secure the child in the harness. This is done in the presence of the onstage chaperone(s) so nothing is left to chance. The chaperone can ensure that the child is correctly harnessed on each occasion.

Due to the risk assessment and processes and procedures that are carried out, this removes it from the potential of being a dangerous performance.

Providing the above criteria is followed with appropriate risk assessment and procedures it would be a nonsense to refuse an application on the grounds of it being a dangerous performance.

(link to Index)

Section 25 Restrictions on children going abroad for the purpose of performing for profit

This section states the procedures to be followed to obtain a licence for a child who is going abroad to take part in a performance or activity for profit.

The licence is issued by a justice of the peace from the magistrates' court in the district where the child resides.

The issuing of licences for children performing abroad it outside the remit of a local authority and under no circumstances is a local authority able to issue a licence.

It should be noted that the Republic of Ireland is not recognised as "abroad" by the magistrates' court. If a child resident in Great Britain is performing in the Republic of Ireland a licence should be issued by the local authority where the child resides.

Section 28 Powers of Entry

This section states what powers an authorised officer of the local authority has to enter a place of performance where children are either believed or known to be performing.

Subsection (1) allows the courts to issue an order to the local authority or the police to enter a place of performance if it believed that child performance legislation is being contravened. The order must be carried out within 48 hours of being issued.

NNCEE have no experience of a local authority applying for such an order. In any prospective case the issues and concerns should be referred to the local authority legal team for advice.

Subsection (2) (a) states that an authorised officer may enter any place used as a broadcasting or film studio to make enquiries about any children performing to which section 37(2) of the 1963 Act applies.

This is a wide ranging power; there does not need to be an offence or an issue in respect of a child or children and supports enforcement via unannounced inspections.

Subsection (2)(b) states that an authorised officer may during the currency of a licence issued under section 37 enter any place to make enquiries about the child. This includes performances of a dangerous nature.

This is a more restrictive power as it is referring to concerns in respect of a specific child to whom the licence relates and entry is only legally authorised on that basis.

Subsection (3) states that any person who obstructs an authorised officer or refuses to answer or answers falsely any enquiry is committing an offence.

When making an inspection the licensing officer may be asked to wait for a chaperone to collect them. Very often this is due to security reasons, however it may well be a delaying tactic on the part of production and should be borne in mind.

You are entitled to ask the producer and/or chaperones questions during the inspection; if they refuse to answer or deliberately mislead you they are likely to have committed an

offence and you will need to consider what action you might want to take. A decision to take legal action will need to be fully discussed with your legal services team.

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SECTION 4

BODY OF PERSONS APPROVAL

Under Section 37(3)(b) of the Children and Young Persons Act 1963 a licence is not required for a performance given under arrangements made by "a body of persons" approved by the local authority where the performance is taking place, or in some exceptional circumstances by the Secretary of State.

What is a BOPA?

The first thing to be made clear to both organisations who are applying for and local authorities who are issuing body of persons approvals is that a BOPA must not be viewed as a means of "getting round" the requirement for a performance licence. Applying for and granting a BOPA will reduce the administrative burden for all parties, however the same principles apply in terms of safeguarding the child and ensuring there is proper provision to secure his health and kind treatment. There must be no reduction in safeguarding arrangements.

A BOPA, if granted, removes the need to apply for an individual licence for each child; it is granted to the organisation that is responsible for the performance. The approval is granted by the local authority where the performance is taking place; the local authority can grant the approval even if the children taking part do not live within its' boundaries. It is the organisation which is approved not the children i.e. the local authority is confirming that the ∃ℕ2ʤLJ 2ℕ 2ℕ∃l·yλăl·ůλ2yˇλă l· Ψăʤzλűl·ōfŜΩ 2ℕ Ψl·LJLJℕ2ØŜŘΩ ∃ℕ2ʤLJ l·yŘ ůKŜℕŜŦ2ℕŜ Yˇʤzăű ōŜ ŎŜℕűl·ƛyˇűKl·ű they (the LA) have taken every reasonable precaution to ensure the group is indeed a suitable group.

A BOPA can be granted to an organisation for a single performance or for a series of performances within a specified time providing no payment is made to the child or to anyone else in respect of the child taking part in the performance and the child does not require absence from school. *See Section 7 Absence from school* for further details.

A BOPA is not transferable to another organisation or to individual children taking part in a performance arranged by someone else. A BOPA cannot be issued in respect of an activity.

A BOPA is not a "group licence" nor is it an exemption under the 4 day rule.

Who can apply?

Any type of organisation can apply for a BOPA i.e. amateur group, professional company, stage or broadcast providing there is no payment made (other than expenses) for the child to take part. However they will be required to meet certain criteria and to demonstrate that they have clear, robust and well embedded safeguarding policies and arrangements in place to protect children. This will inform the local authority decision and it is at its discretion whether to issue an approval.

In exceptional circumstances the Secretary of State may issue a BOPA. Department for Education Advice 1.3.7 states the following:

- 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.

Organisations should therefore make an application for approval to the local authority where the performance is taking place. An organisation should not apply to the Secretary of State because they believe the local authority is taking too long to process an application. They should certainly not apply to the Secretary of State because the local authority has turned down an application.

How to apply

The first consideration is to determine if a BOPA is the appropriate route to take in the given circumstances.

If the child is being paid or anyone else is receiving payment for the child to take part then a BOPA is not appropriate and a licence must be applied for. If the performance in question is a type where it is normally expected a child would receive payment the local authority should question the absence of payment and may take the view that a BOPA is not appropriate in the circumstances.

If absence from school is required then again a BOPA will not be appropriate and a licence must be applied for but see *Section 7 Absence from school.*

If the above criteria are met the organisation should approach the local authority where the performance is taking place to discuss applying for a BOPA and complete the BOPA application and conditions of approval form.

The organisation should apply to the local authority in plenty of time in order that they have sufficient time to assess the application and ask for further information should this be required. It is suggested that 21 days in line with the regulations would be a reasonable time frame.

As stated earlier it is at the discretion of the local authority whether to issue a Body of Persons approval and the organisation will need to provide evidence of the following:

- Clear, robust and well embedded safeguarding policies and procedures in place
- A designated child protection/safeguarding officer
- A regularly updated (every 12 months) child protection policy together with details of how this is communicated and followed

- Evidence of any child protection/safeguarding training provided
- Procedures for checking the suitability of persons who will have responsibility for children

The local authority will also ask the organisation to agree to certain conditions which will include the following:

- To comply with Regulation 11 and Regulations 15 to 29 of The Children (Performances and Activities) (England) Regulations 2014
- To ensure an appropriate number of local authority approved chaperones are engaged to care for the children and ensure they are supervised at all times (see note below)
- Ensure suitable arrangements for first aid
- Maintain detailed and complete records of children involved in the group including emergency contact details and any medical issues
- Provide the names, date of birth, address and school of the children taking part
- Obtain a signed statement of fitness from the parent of each child
- An authorised officer of the local authority having unrestricted access to any rehearsal, technical rehearsal or performance at any venue the organisation may use

There may be other conditions that a local authority may wish to impose depending on the individual circumstances of the performance.

Note: Department for Education advice 1.3.7 states: 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 the local authority.

This statement cannot be taken in isolation. The local authority has to be certain the organisation has clear, robust and well embedded policies for safeguarding children and the supervision and care of the children is paramount. When considering whether to issue an approval to a local amateur group or any group for that matter, the licensing officer must ask the group to explain their procedures for carrying out background and suitability checks on the adults who will be caring for the children. For example; what is the procedure for obtaining a DBS check and how would they deal with any adverse information on a disclosure? Do they obtain independent references? What training do they provide in terms of child protection and child performance legislation? Experience shows they will very often be unable to demonstrate acceptable procedures are in place and as such only the use of local authority approved chaperones will enable the group to be considered for a body of persons approval. It is the firm view of NNCEE that children performing under a BOPA should be supervised by local authority approved chaperones.

It is acknowledged there may be some exceptions and the arrangements a group have in place to supervise and care for the children can be deemed acceptable.

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Example

A cathedral holds a number of evening events in which several schools take part. It was appropriate to grant a BOPA and in this case the local authority did not make it a condition that local authority approved chaperones were engaged. The children were supervised by their teachers, however the local authority agreed a ratio of teachers to pupils ensuring sufficient numbers were present and supervision was not being undertaken by parent helpers.

Example

A BOPA was issued to a local authority organisation that ran a choir for children with a variety of different special needs. This choir was due to perform at an event organised by the local authority group. As many of the children had quite specific special needs more supervision was required than the usual 1 chaperone for 12 children. It was agreed that the people best qualified to supervise and provide the specific support these children needed was the support staff from the child's special needs school, who were neither teachers nor chaperones. The support staff who were DBS checked and trained in dealing with these specific needs were to support the local authority music teachers for the choir. The Music staff had undergone safeguarding training and training on the performance regulations as part of the requirement for the granting of the BOPA and were also DBS checked. This arrangement worked well and the children were able to fully participate in the concert.

Whenever possible it is considered best practice that the person or persons from the group are interviewed by the licensing officer. This can take place at local authority offices or if it is a local group preferably at the place where they rehearse and perform. This will enable the licensing officer to see at first hand the procedures the group have in place and to carry out an inspection of the place of performance and rehearsal as required by Regulation 17.

Issuing a BOPA

The local authority can issue a BOPA for a single performance or for a series of performances over a given period; this is normally up to one year.

If the approval is given for a period of time it should be a condition that the organisation provides the local authority with details of each performance/rehearsal including the dates, times and location, the names of chaperones and the name, date of birth, address and school of all children taking part, at least 21 days in advance of the first performance unless the local authority has agreed a shorter notice period.

If satisfied with the proposed arrangements the local authority should issue an approval to perform in respect of the specified performance.

There may be children included in the BOPA from neighbouring authorities and it is best practice for the issuing authority to forward the child's details to the appropriate authority.

It is worth stating that the local authority issuing the approval does not need the "permission" of another authority for their children to be included. It does not matter if a child has performed on 4 days or more in the last 6 months they can still be included in a BOPA.

Example

Amy has had 2 licences issued in the last 3 months and has worked for 2 days on a TV drama and filmed a TV commercial for 1 day. The local theatre group she is a member of are putting on a production for 4 days and have been granted body of persons approval.
Amy can perform under the BOPA.

However if a child has performed under a BOPA the number of days will count as performance days.

Example

Jake played "Oliver" in the production put on by the local group where he is a member. The group were granted a BOPA and Jake performed for 3 days.
An enquiry was received from another organisation who wanted to film with Jake for 2 days and as he wasn't being paid and wasn't missing any school (filming was at the weekend) they wanted to make use of the 4 day rule exemption. In this instance the days Jake performed under the BOPA must be counted and an exemption cannot be applied, the organisation must apply for a licence.

BOPA decisions

As has already been stated it is at the discretion of the local authority whether to issue a BOPA and they can place any conditions on the approval to ensure the wellbeing of children.

A BOPA can be revoked if the organisation fails to meet the agreed conditions and if the local authority has concerns about the safety and wellbeing of the children involved in the performance.

If a local authority decides not to grant a BOPA it is best practice they write to the organisation stating the reasons for refusal.

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SECTION 5

CHAPERONES

Regulation 15

(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.

It is NNCEE view and considered best practice that children performing under an exemption i.e. 4 day rule or under a BOPA should be cared for by a chaperone approved by the local authority. Whilst acknowledging there is no legislative requirement, NNCEE take the view that all children deserve the same standard of care irrespective of the number of days they are performing. Arguably children performing under the 4 day rule are less experienced and therefore need more help, guidance and supervision. NNCEE believes that is best provided by registered chaperones.

The exception would be if the child were being cared for by a parent or a teacher who would ordinarily provide the child's education.

It is acknowledged that a parent has the right to care for their child, however in NNCEE's view it is preferable that an approved chaperone who has received training in child protection and performance legislation is employed to care for a child. This is particularly relevant in the professional setting when the chaperone will also have a working knowledge and experience of the production process.

Best Practice
Registered chaperones are of great benefit to production companies, helping them to ensure they do not inadvertently contravene the regulations. Experience has shown ŭKl·ŭ LJl·№Sўŭă Ôl·y˘ōŜ Ψăŭl·№ ăŭNdzŎ]Ω l·yŘ ₹l·λf ŭ2 l·ŘŜljdzl·ûŜfè ădzLJŜNØłăŜ ûKŜ№ ŎKłfŘ l·ă ûKŜè l·№Ŝ unaware of the requirements of the regulations

This section will cover how to approve a chaperone and the processes involved, the role of the chaperone together with their duties and responsibilities and will provide suggested working practices for chaperones.

Approval process

Application

A person wishing to be approved as a chaperone should apply to the local authority in which they reside. This is longstanding best practice adopted by local authorities across England and Wales.

The legislation states a licensing authority must approve a person to be a chaperone to have care and control of a child and to safeguard, support and promote their wellbeing, however it does not detail what the approval process should be.

NNCEE together with the Department for Education and the sector (as per Examples of Best Practice ς Child Performance and Activities Licensing by Local Authorities in England) consider the following to be the minimum requirements when approving a chaperone.

- The licensing authority carries out an Enhanced DBS check of all individuals applying to be approved as a chaperone
- An comprehensive application form is completed
- The application is supported by two verifiable references from people who are not known solely to the applicant through the organisation for which they wish to become a chaperone
- The applicant should be interviewed by the local authority as a means to assess their suitability and competency for the role but also so that the local authority may explain the expectations of being a local authority approved chaperone. This interview may take place on a 1:1 basis or through a structured training programme as determined by the local authority concerned.
- The local authority should provide training for applicants. Local authorities who receive small numbers of applications might consider sharing the provision of training with neighbouring local authorities to increase availability of access to training in a cost effective way.

In addition to the above minimum approval requirements local authorities may carry out a check of their Children's Social Care database to review any information held on the applicant. Information held may inform the decision whether to issue an approval or not.

It is worth stating a person should not be approved as a chaperone via a solely paper based/on line process; there must be an element of face to face contact.

Training

Local authorities will take different approaches to ensuring a chaperone receives the required training e.g. a combination of on line training and 1:1 interview, a group training session or sessions. However the training should at least include the following:

- The legal requirements e.g. the earliest and latest time at place of performance or rehearsal, maximum performance times, breaks, accommodation requirements
- The role of the chaperone ς what is expected of the chaperone and their purpose as set out in legislation (areas where judgement is needed for example in relation to the ratio of children to chaperone which should take into account variables such as the gender and age of the children to be supervised; the physical considerations of the performance area)
- Record keeping

- Child protection ς signs to look out for when a child is distressed or fatigued and referral procedures within and beyond the production company on issues of wellbeing. Moreover in the rare situations where abuse is suspected, how to act and whom to inform

Chaperones who intend to work in a professional setting e.g. film, television or professional theatre will require additional training. This may cover:

- The production techniques and requirements of major theatre, TV or film productions and requirements on "location"
- Key aspects of child developments for example attachment, cognitive abilities (ability to consent), conformity (sensitivity to overt pressure), emotional vulnerability (sensitive topics such as body image), effect of anxiety and fatigue and non-verbal communication

It is acknowledged that in many cases licensing officers will not have the knowledge or experience, particularly in respect of the technicalities of the production process, to offer the required level of training to professional chaperones. When chaperones register with an agency very often they are required to complete the agency's own training course and will shadow an experienced chaperone prior to taking on solo engagements.

Issuing an approval

When the licensing officer has inspected the DBS certificate, received satisfactory references and, following interview and training, is confident the person is suitable and competent to care for children in accordance with regulation 15, they may issue an approval.

The approval, showing a photograph of the chaperone, is normally issued for a period of 3 years from the date of the DBS clearance.

It is best practice for the local authority to hold a list or register of the chaperones they have approved. When an application for performance licence is received and the name of the chaperone and the local authority who has approved them is stated, the licensing authority is able to contact that authority and satisfy themselves the chaperone has been approved to care for and safeguard children. This avoids the duplicate checking and approving of chaperones and removes unnecessary repetitive work for local authorities.

Refusing an approval

A local authority may refuse to approve a person as a chaperone for a number of reasons.

DBS ς records disclosed

The applicant should be interviewed by the licensing officer or their manager to obtain full details of the offence and the circumstances.

The decision to approve will be determined by the information given at interview together with recognised procedures for the Employment of Ex-Offenders.

Example

An applicant was charged/cautioned with Criminal Damage for defacing a flagstone (graffiti) 25 years ago when they were 17 years old. Consideration should be given as to whether this offence which happened 25 years ago currently presents a safeguarding risk to the children who would be under the care of the applicant. If not the application should proceed.

Example

An applicant aged 45 was arrested and charged for the Supply of Drugs when he was 18 years old. Consideration needs to be given to the length of time that has passed and is this sufficient to allow the application to proceed. An offence of this nature is likely to carry too great a risk to be dismissed and the local authority would be vulnerable to challenge should anything untoward come to light subsequently.

Unsatisfactory reference

A referee may express concerns about an applicant's suitability to care for children or may have knowledge of an allegation or disciplinary issues.

The licensing officer or their manager may consider contacting the referee for further information. It may be decided to interview the applicant.

The decision to approve will be determined by the information given at interview and be in line with Working Together to Safeguard Children 2015.

Information held on Children Social Care Record

The applicant should be interviewed by the licensing officer or their manager to obtain a full account of the circumstances.

The decision to approve will be determined by the information given at interview.

Other circumstances

There may be other circumstances when a local authority may consider refusing to approve a person as a chaperone, for example there may be health issues or a disability that need to be considered. The type of disability together with the location where they intend to act as chaperone will influence the local authority decision. However care must be taken not to discriminate and it may be that an approval can be granted with conditions attached.

Example

An applicant had early stages of an illness that meant she was confined to a wheelchair in the main but was able to stand for periods of time. She had a great affinity with children and was well respected but was not mobile.
An approval was given on a production by production basis with the condition that the venue had sufficient space to take a wheelchair into the backstage area and dressing room and was based on the ground floor area.

A person may not have demonstrated the required skills, knowledge or understanding of the role during the training session and a 1:1 interview should be held to address this.

If a local authority refuses to approve a person as a chaperone they should confirm the reasons for the decision in writing.

The Role of the Chaperone

The chaperone is the key person who protects, safeguards and supports the child. They are the point of safety a child can turn to and rely on should the need arise. The chaperone has a major part to play in ensuring that the child's experience is enjoyable and beneficial.

It is essential that the chaperone not only fully understands their responsibility and obligation to the child but has a thorough understanding of the performance legislation and a working knowledge of the production process and requirements of the particular genre they may be working in. They must realise and understand the extent of their authority and use that effectively to protect and benefit the children in their care.

Except when a child is in the care of a tutor, the chaperone is in *loco parentis* and should exercise the care a good parent might be reasonably expected to give a child.

Best practice from a broadcast company
We employ a Senior Chaperone who is able to work alongside scriptwriters and directors to talk through any upcoming storylines. She can then in turn work with the young actors and other chaperones to provide continuity of care and support. She is a very experienced chaperone herself so is able to nurture and train new chaperones in best practice.

Duties and responsibilities

Subsection (3)(a) states that the maximum number of children a chaperone may supervise is twelve. However, after taking into account the ages and gender of the children the local authority may consider that the chaperone can only effectively look after a smaller number. The type of performance and location will also impact on the number of children a chaperone can care for. If the licensing officer is concerned about the proposed number of chaperones on duty they must discuss the arrangements with the applicant and agree the required number.

The chaperone should remain with the child at all times; they must accompany them to and from the dressing room, school room, studio, set or stage as well as remaining in the studio, on set or by the side of the stage whilst the child is performing. They must have the child in view at all times.

The chaperone must also remain with the child during meal and rest breaks and during any recreation breaks. If the child is staying away from home the chaperone must stay with them at the lodgings.

Arrangements for handing over responsibility for a child e.g. between parent and chaperone, chaperone and tutor or chaperone and chaperone will vary according to the circumstances, however it is important to ensure there is never a time when it is unclear who is responsible for the child.

If there is more than one chaperone on duty it must be absolutely clear both to the children and other relevant people which chaperone is supervising which children.

The chaperone's first duty is to look after the children in their care and they must not undertake any other duty e.g. they cannot be involved in technical aspects of the production, direction or be taking part in the production.

Chaperones must understand and be aware of the dangers of becoming involved in a 'conflict of interest'. Production may exert pressure on the chaperone to agree to something which may not be in the child's best interests. Whilst this is more likely to happen within the professional arena there is nothing to say it will not occur in the amateur sector.

Record keeping

Regulation 11 states the licence holder must keep certain records for each child and very often it is the chaperone who will be asked to complete the Daily Record sheet. The information which must recorded is detailed below.

- The date
- The time of arrival at the place of performance or rehearsal
- The time of departure from the place of performance or rehearsal
- The times of each period during which the child took part in a performance or rehearsal
- The time of each rest interval
- The time of each meal interval
- The time of any night work authorised by the licensing authority under Regulation 28 of the Children (Performances and Activities) (England) Regulations 2014
- Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught
- Details of injuries and illnesses (if any) suffered by the child at the place of performance or place of rehearsal, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance or place of rehearsal
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- The dates of the breaks in performances required under regulation 27(1)of the Children (Performances and Activities) (England) Regulations 2014

An example Daily Record sheet is included here, however chaperones will find numerous variations in use.

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Working practices for chaperones

Discussion with chaperones has shown that whilst the training delivered in terms of performance legislation and child protection was comprehensive, additional information regarding the practicalities of doing the job would be useful.

The following points can form a useful checklist for chaperones and licensing officers may wish to incorporate some aspects into their chaperone training sessions.

Do's and Don'ts for Chaperones
Venue Checklist

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SECTION 6

INSPECTIONS AND ENFORCEMENT

The local authority has responsibility for enforcement of the licensing requirements and has a number of powers (section 28 1933 Act) to carry out inspections to ensure a child's welfare is maintained.

It is essential that local authorities recognise this statutory duty and fulfil their safeguarding responsibility towards children taking part in performances, paid sport and modelling.

A piece of paper i.e. the licence does not protect the child and it is only by carrying out unannounced inspections that that a local authority can be sure that licence conditions are met and children are protected.

Making an inspection

An authorised officer of the local authority can carry out an inspection at venues and locations within the local authority boundary. The authorised officer cannot carry out inspections at venues within another authority's boundaries even if children from the said officer's authority are taking part. The inspecting authority may invite a child licensing officer from a neighbouring authority to accompany them on an inspection if they so wish.

How to carry out an inspection

The following section will give tips and hints on how to prepare for an inspection, what to inspect and observe, what questions to ask and how to write a report

Preparation before the inspection

It is important that the inspection is unannounced, do not phone to make an appointment. If the date and time of the inspection are known it is very likely that all will be in order. You will get a far better picture of what is going on if you are not expected.

Decide when you should go.

First you need to decide whether you will go on your own or whether to take an assistant. If there are large numbers of children involved it is easier with two people. It can be useful to have a second person present to corroborate findings particularly if there are issues to be resolved. It is important that you are aware of and follow your Lone Working policy.

Fora stage performance you could arrive an hour to an hour and half before curtain up. You would then see the arrival and signing process and would see everyone in the dressing rooms.

You could arrive during the interval. You would catch everyone in the dressing rooms, be aware of how the performance was going and stay to observe the signing out and collection system.

Don't always go for matinee performances. Aim to inspect out of office hours if possible, evening and weekend inspections send the message that inspections can happen at any

time. Production will expect that a visit might occur between 9am and 5pm. Experience shows that visits at unexpected times, 9pm on a Friday or over the weekend provide most evidence of shortcomings. Unpredictability in carrying out inspections is an excellent tool to ensure safeguarding responsibilities and licence conditions are being met.

For a broadcast performance if you arrive around lunch time the crew are likely to be more willing to talk and you will have more chance to meet all the children.

Arriving mid-afternoon can often be good as it encourages productions to 'wrap' at the correct time. You may need to be prepared to stay to ensure children are finished at the correct times. If there are very young children involved midday is a good time as they will either be almost finished or just arriving.

The above suggestions are from licensing officers experienced at carrying out inspections, however they are general guidelines only.

You will need to take the following with you ς

Your ID badge and authorisation
Inspection report checklist ς You may find it useful to complete some parts of the report prior to the inspection e.g. list of children alphabetically by first name and local authority, list of chaperones and their local authority
Copies of the children's licences
List of names and contact numbers of colleagues from other licensing authorities who have issued licences
A copy of the performance regulations
Spare Daily Record Sheets
Full address of venue/location including postcode
Contact details for licence applicant

You may also find the following useful ς

Copies of entertainment leaflets together with your contact details to hand to parents ς source of useful feedback
Boots/raincoat/umbrella/gloves dependent on location, time of day or time of year

Ensure you are wearing appropriate clothing; flat shoes (no 'clicky' heels), dark clothing for stage productions, ensure nothing can get caught on equipment

When you arrive

For theatres go direct to the 'Stage Door' check in with security and ask for the Company Manager, the Head Chaperone or to be shown to the children's dressing rooms. Ask for the Company Stage Manager to be informed you are present.
For locations follow the signs for 'Loc' or 'Unit Base' check in with security, ask for the production office and the applicant named on the licence. If the applicant is not there ask for the 2nd Assistant Director as they usually have responsibility for the children.

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Who you need to see

Most important ς the children.

Introduce yourself to the children, explain who you are and why you are there i.e. you are there for them and to check they are OK and having a good time. Remember to smile!

Check the children to your list of licences and ensure that the correct child is present. Ask each child their name, don't take production or the chaperone's word for it.

You are there to check they are happy, healthy, have all they need and are enjoying themselves. Talk to them and show an interest. Ask them what they are doing, how previous performances have gone, what time they arrived, how much time they have spent rehearsing. If you show an interest the children will talk to you and they are usually able to give you a good idea of what is going on.

The Chaperones and Parents and Tutor

Introduce yourself to the chaperones and any parents who are present.
Check all the chaperone licences, noting the local authority who issued and the expiry date.
Check if there are any DBS checked additional helpers.
Clarify which children the chaperone is responsible for and check there are sufficient chaperones for the number of children present
Talk to the chaperones about fire exits, first aid and check what information they are holding
Observe what is happening, how good is the supervision and note what you see

Introduce yourself to the tutor if available
Ask to see what work the children are doing, check tutoring record sheets to ensure the correct amount of tuition is being given at the appropriate time
Talk to the tutor and give your contact details should they wish to speak to you later in confidence

The licence applicant, 2nd Assistant Director

Find out what the children are being asked to do, ask production to explain what is required, when and where.
Observe how they interact with the children

What you need to see

The Licences

You need to see the production copies, ensure there is a licence for every child and check the details.
Take the details of any children performing under an exemption i.e. 4 day rule

Daily record sheets

Ask to see the records of today's timings, preferably the ones the chaperones are completing in real time. Check they are complying with the regulations.
Look at the previous days' records, check the arrival and departure times, suitable breaks in accordance with age

Facilities

Check the dressing rooms are big enough, not too hot or too cold and are clean.
Make sure there are blinds at the windows.
Ensure that dressing rooms are separate from the adults and that adults are not passing through or walking into the children's room.

Check the school room is suitable and the children have all they need in terms of resources.

Check the toilets are clean, working and sufficient in number and are designated for children. If there are no separate toilets check what procedures the chaperones have in place.

If 'quick change' areas are being used check how this happens, when and where and can the child be viewed by others.

If the children are using the 'green room' check the arrangements e.g. are adults using the room too?

Check out the arrangements for meals and refreshments. Are the children getting the required breaks, what happens between matinee and evening performances, are the children suitably chaperoned? For broadcast performances are the children getting 1 hour meal break, is the food provided suitable, are suitable drinks and water available?

Check what first aid/medical provision is available, and if trained staff will be on duty; on film sets there is usually a paramedic on site.

How to deal with problems

An unlicensed child ς can you verify if a licence has been issued by contacting the local authority? This should be possible if the inspection is taking place during working hours. If you are unable to verify then you must consider sending the child home. Bear in mind that your local authority may be deemed complicit if the unlicensed child has an accident and will not be insured.

Working beyond permitted hours ς discuss with production and the chaperone to ascertain the reason why. It may be possible to use chaperone discretion (Reg. 29) if appropriate. Otherwise insist the child finishes at appropriate time. This will need following up in your report.

Chaperones ς if there are not sufficient numbers present then you must speak to production and insist that additional chaperones are found as soon as possible.

Parents ς ensure that a parent is only caring for their own child. Other people's children must be under the care of a chaperone. In some instances a parent may be looking after 2 or more of their own children; depending on their ages and their individual roles in the performance it may be you will need to insist on a chaperone as the parent cannot be in two places at the same time.

Advise production of the problems you have encountered and how they have been or need to be resolved. If appropriate advise them they are in breach of the regulations and you have a duty to inform the child's local authority who may take legal action.

General points to note

Observation is key when making an inspection; spend as much time as you can watching what is going on and how the children are reacting to the chaperones and with other key people. Accompany the chaperones as they do their job and stand with them while the children are on stage or on set.

Write as many notes as possible from your observations. Make a note of the times children went on and off stage or set, arrival and departure times, breaks. Write down the names of the people you speak to, clarify spelling and their role. Ensure you have the names of the children, their dates of birth together with the names and details of the chaperones on duty and the names of parents with children.

Ask for a spare copy of the call sheet when making a broadcast inspection; it usually has useful contact information together with the producers name so you write to them should there be a problem.

Write up your report as soon as possible afterwards.

Writing an inspection report

Local authorities tend to use a similar report template which is a comprehensive list covering all aspects of the inspection.

The report must be accurate, it is a legal document and may be used as evidence in the event of any legal action. It should be as detailed as possible and should give the licensing authority a flavour of what was happening on the day, remember that you are inspecting on their behalf.

The report should include the details of all the children, the chaperones and parents. It is acceptable to state Yes/No to the more basic questions, however you should expand details where possible and in the comments sections you should detail where you went, what you did, who you spoke to, what you saw etc.

You should note any concerns you have and why. You should include any actions that were taken on the day and any actions that need to be taken in future. It should be clear who needs to ensure these actions are implemented.

A copy of the report should be sent by secure email to all the licensing authorities with children involved in the production.

A copy together with a covering letter should also be sent to the licence applicant/producer.

Other means of enforcement

Daily Record Sheets

See Section 2 Regulation 11

Parental Feedback

Feedback from parents, both good and bad is a valuable source of information. It is best practice for local authorities to build in requests for feedback when forwarding a copy of the performance licence.

The feedback does not have to be restricted to the actual performance, it can include the licensing process. However parents could be asked for comments on how their child was treated, what hours they worked, what the facilities were like.

It is acknowledged that response rates to this type of request are not high, however in some instances it can highlight issues that the licensing authority will need to address with the production.

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SECTION 7

ABSENCE FROM SCHOOL

It is important that licensing officers are clear on the different sections of legislation which have a bearing on absence from school to take part in a performance, activity or paid sport. The legislation covering this are:

Children and Young Persons Act 1963 s 37(4) and 37(7)
The Education (Pupil Registration) (England) Regulations 2006 Reg.7

Section 37(4) of the 1963 Act states that a local authority shall not grant a licence for a child to do anything unless they are satisfied his education will not suffer.

Section 37(7) of the 1963 Act states a licence shall specify the times during which the child may be absent from school for the purposes authorised by the licence and for those times specified the absence shall be deemed to be authorised by a person authorised in that behalf by the managers, governors or proprietor of the school.

This is further clarified by Department for Education advice 3.2.1 which states: 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.

There are a number of working practices currently in operation across the country to determine whether a child can be absent from school to take part in a performance. The licensing authority must be sure that the child's education will not suffer before issuing a licence and the child's school would be best placed to advise them on that issue.

However when giving advice the school must look at the individual child. They cannot adopt a generic policy, for example:

'It is this school's policy not to allowed time off for performances'
'If attendance has fallen to 94% we will not allow any further absence'
'School does not consider taking part in a performance as an 'exceptional circumstance''

They must look at the individual child in terms of attainment and attendance and if they believe the child's education will suffer they must provide written evidence to that effect e.g. slipping grades, missing homework, inability to catch up on work, additional support currently in place. The licensing authority will make a decision, based on this evidence, whether to refuse to issue a licence.

Licensing authorities should bear in mind that section 37(4) states that if they are satisfied the child's education will not suffer they shall not refuse to grant a licence. Therefore if the school cannot provide evidence or the local authority is not convinced by their evidence or objections they must issue a licence, if they are satisfied with all other aspects of the application.

Very often a letter from the school will accompany the application for licence, however when this is not the case the licensing authority should approach the school.

The Education (Pupil Registration) (England) Regulations 2006 Reg.7

Regulation 7(2) states: Leave of absence shall not be granted to enable a pupil to undertake employment (whether paid or unpaid) during school hours except τ

(a)employment for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963(1) under the authority of a licence granted by the local authority under that section;

The above is further explained by Department for Education advice 3.2.3 which states:

For local authority maintained schools and special schools not maintained by the local authority, 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 authority. 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 authorise absence for a child to take part in a performance or activity for which a licence has been obtained.

However ς

Regulation 7(5) states: This regulation (i.e. Regulation 7 in its entirety) applies only in relation to a maintained school and a special school not maintained by a local education authority.

This means if he so choses, the head teacher of an independent school, academy or free school is able to authorise absence to take part in a performance irrespective of whether a licence has been issued.

The following table sets out the circumstances when absence from school may be permitted under the exemptions in section 37(3).

Type of school	Exemption	Can absence be authorised?
Local authority maintained school	4 day rule	No ς a licence will be required
Special school not maintained by the local authority	4 day rule	No- a licence will be required
Independent school, academy or free school	4 day rule	Yes- if the head teacher choses to do so
Local authority maintained school	BOPA	No ς a licence will be required

Special school not maintained by the local authority	BOPA	No ς a licence will be required
Independent school, academy or free school	BOPA	Yes- if the head teacher choses to do so

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SECTION 8

MUSIC HUBS

The introduction of the Children (Performances and Activities) (England) Regulations 2014 and supporting guidance have made clear when a performance is given under arrangements made a school. See Section 1 Page 10 ς Performances given under arrangements made by a school.

This has meant that an array of performances which were previously incorrectly considered to be a 'school' performance are not exempted under section 37(3)(b) of 1963 Act and fall under child performance regulations.

Section 1.3.6 of the Department for Education Advice 2015 makes it clear that section 37(3)(b) of the 1963 Act only applies to 'schools' within the meaning of relevant Education Acts. This would not include Music Hubs, local authority Music Services, Arts Councils and other third parties, so performances arranged by them cannot be exempt under that section. Therefore the organisation must apply for the appropriate licence or exemption.

It is usual for performances of this nature that neither the children are paid nor anyone else is paid in respect of the children taking part. Therefore providing there is no absence required from school for rehearsals or performances a Body of Persons Approval would seem to be the most appropriate way forward for these organisations. See Section 4 Body of Persons Approval.

Organisations have been encountering problems when they are seeking to take children out of school normally for a day or an afternoon; a performance licence will be required where these circumstances apply.

As stated elsewhere in this guidance a BOPA does not authorise absence from school. However this does not apply if the child attends an academy, independent or free school where if he so chooses the Head teacher may authorise absence for a child to take part in a performance under a BOPA. If the child attends a local authority maintained school and absence from school is required to take part a licence is required.

Unless there is a change to current law licensing authorities have no option other than to follow what is laid down in legislation and guidance.

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Acknowledgements

The writing and completion of this guidance would not have been possible without the contribution and support of a number of people. It is only right that I acknowledge their work, their experience in this field of work and their sound advice.

My thanks to the NNCEE committee for their involvement in the initial preparation and information gathering for this document and their continued support and commitment to it throughout.

My thanks to Ian Hart OBE for the initial groundwork at the start of this project, his subsequent advice, support and feedback.

My thanks to Joanne Booth for the examples of best practice she provided together with her knowledge and experience of carrying out performance inspections.

Acknowledgement also goes to colleagues and organisations who were involved in the sector led document 'Examples of Best Practice ς Child Performance and Activities Licensing by Local Authorities in England' a number of whose examples have been included in this guidance.

I should also like to acknowledge the support received from the Department of Education, with much of the Department's advice issued in February 2015 being included in this guidance.

Finally many thanks to my manager and senior management at Lancashire County Council for allowing me to become involved in NNCEE and for their unstinting support and encouragement to the production of this guidance.

Disclaimer

This guidance has been written based on experience and good practice from officers working in the field; it reflects good, sound advice based on practical experience. It should not be taken as providing an authoritative interpretation of the Acts or regulations as that, ultimately is a matter for the courts. NNCEE cannot be held legally responsible or liable for any losses or otherwise to local authorities, organisations and persons arising from interpretation of this guidance.

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NNCEE TABLE

CHILDREN IN ENTERTAINMENT
RESTRICTIONS IN RELATION TO ALL 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.	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 8 hours or more, they must have the breaks stated above plus another 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 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.
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

Note: Local authorities should 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.

NOTIFICATION OF NON-LICENSED PERFORMANCES
FOR COUNCIL CHILDREN

Information on child/children taking part in a performance without a licence, in accordance with Section 37(3)(a) 2ŦűKŜ /KƛťŘℕŜƴ'l·yŘ ¸2ʤzyƎ tŜℕăƨyãΩ !ŏű мфco¢ Even though a licence is not required, there is a requirement for you to comply with the Regulations of a licensed performance under the Children (Performances and Activities) (England) Regulations 2014.

DETAILS OF PERFORMANCE			
Name of performance			
Type of performance (dancing, singing etc.)		No. of performance days	
Date(s) of performance(s)		Time(s) of performance(s)	
Venue name & address			

Will a charge be made for admission?	Yes / No	
Will the child or any other person receive a payment or expenses for the performance?	Yes / No	
There must be sufficient appropriate adults (preferably approved chaperones l·yŘk2ℕ 5 . { 9yƘl·yŎŜŘ ŏfŜl·ℕŜŘ l·Řʤztú KŜfLJŜℕăú ǿK2 ǿƛtt f22ϯ l·ŦűŜℕ úKŜ ŎKƛťŘℕŜyΩă welfare and wellbeing at all times during the performances.	No. of females	
	No. of males	

DETAILS OF PRODUCER		
Name		
Name of Organisation		
Address		
		Post Code:
Tel. No.		Email:

DETAILS OF INFORMANT (if different from above)		
Name		
Name of Organisation		
Address		
		Post Code:
Tel. No.		Email:

I hereby certify that this statement is correct to the best of my knowledge and belief and includes all children who are residents of Council only.

Signature of Informl·yűŸXXXXXXXXXXXXXXXXXXXXXX 5l·űŜŸXXXXXXXXXXXXXXXXXXXXX

tℕăyű bl·YˆŜŸXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Child Employment and Entertainment Officer,

ALL COLUMNS MUST BE COMPLETED

Name of Child	DoB or age	M or F	Address	Post Code*	School	No. of days child performed during past 6 months ς licensed or unlicensed
THIS NOTIFICATION SHOULD INCLUDE CHILDREN RESIDING IN COUNCIL ONLY.						

ALL COLUMNS MUST BE COMPLETED

(link to Index)

EXEMPTION LETTER ISSUED

Phone:
Mob:
Email:

Your ref:
Our ref:
Date:

Dear

EXEMPTION FROM PERFORMANCE LICENCE
SECTION 37 ç CHILDREN AND YOUNG PERSONS ACT 1963

Thank you for providing information for your forthcoming production, details of which are shown below. Based on the information you have submitted in respect of this production I confirm that the (name of local authority) children on the attached list are exempt from performance licences on this occasion.

As the organiser of the production you remain responsibIŜ ŦƧℕ ŜyƍdzℕƛyƎ ůKIٜů ůKŜ ŎKƛfŘℕŜyƓå ǿŜtŦIٜℕŜ IٜyŘ KŜIٜfůK IٜyŘ safety during the production is appropriate, including adequate supervision by suitable adults at all times. In the interests of safeguarding children, Approved Chaperones who have been Enhanced DBS cleared and registered should preferably be used.

Please ensure that this letter is available during the performance(s) in the event of an inspection by the Local Authority and that approved chaperones that are on duty have their licences with them. Good luck with the production and please feel free to contact me if you have any queries

Performance:
Venue:
Date(s):
Time(s):

Yours sincerely

Child Employment and Entertainment Officer

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STANDARD APPLICATION FORM

The Children and Young Person Acts 1933 and 1963
The Children (Performances and Activities) (England) Regulations 2014

Standard Child Performance and Activities Licence Application Form (England)

Note: this form should be completed and submitted to the licensing authority not less than 21 days before the first performance or activity for which the licence is requested, since the licensing authority may otherwise refuse to grant a licence.

Part 1: Information to be provided by the applicant about the performance or activities[1]

Title:	Name:
Job title:	Company:
Address:	
Tel:	Mobile:
Email:	

1)Does your organisation have a child protection or safeguarding policy? b) When was this last updated? Please insert a link or attach a copy.	

Note: it is best practice that organisations that involve children in performances, paid modelling or paid sport have or develop a child protection policy, regularly review and update it, and ensure that all staff and volunteers are familiar with it.

2)Name and nature[2] of the performances or activities in respect of which the licence is requested:	

3)Please provide as full a description as you can about what the child will actually be required to do. Include information about the environment they will be asked to do it in, and any other contextual information that may help us in assessing the potential risks, physical, emotional or psychological, to the child[3].	

4)If you have completed a risk assessment please attach it to this application. *See the sector led best practice guidance for further information about risk assessments.*

[1] Schedule 2 Part 2 of The Children (Performances and Activities) (England) Regulations 2014 sets out the information to be provided by the applicant about the performance or activities.

[2] E.g. theatrical, musical, dancing, filming, sport, modelling

[3] It should not be necessary to provide a script ς the description of the activity and context is more important.

5) Place of activities, performances and rehearsal for which the licence is requested, including any periods on location:	

6) The dates and times of activities, performances or rehearsals for which the licence is requested: If the dates are not known at this time[4], please provide the number of days and the period during which it is requested that a child may take part in activities, performances or rehearsals.	

7) The expected total running time or duration of activities or performances (including any rehearsal) in respect of which a licence is requested:	

8) The approximate duration of the child's appearance in the performance or activity:	

9) The amount of night work (if any) for which approval is being sought and please state:	
a) the approximate number of days[5]:	
b) the approximate duration on each day:	
c) the reason that the performance must take the form of night work[6]:	

10) a) The sums to be earned by the child in taking part in the performance or activity:	
b) The name, address and description[7] of the person to whom or to which the sums are to be paid (if not to the child in question):	

[4] This might be because the filming schedule cannot be fixed in advance, or the activity is dependent on weather conditions. See paragraph 1.7.2 of the advice issued by the Department for Education.

[5] For these purposes any performance taking place after midnight and before the earliest permitted hour counts as an extension to the previous day. E.g. if the child performs on Tuesday and then performs after midnight, in the early hours of Wednesday, that counts as one day (Tuesday).

[6] The local authority may want assurance that there is a good reason why the child is asked to take part in a performance or activity at night.

[7] i.e. if it is an individual what is their relationship to the child, or is it a company or organisation and if so, what is their relationship to the child?

11) Where a licence is requested in respect of a performance, the proposed arrangements for any rehearsals prior to the first performance for which a licence is requested. For each rehearsal please state the date, the place, and the approximate time and duration:	

12) The days or half days on which leave of absence from school is requested to enable the child to take part in the performance, rehearsals or activity:	

13) Proposed arrangements (if any) for the education of the child during the period for which the licence is requested stating -	
a) Where the education is to be provided by a school, name and address of the school:	
b) Where the education is to be provided other than by a school: i. name, address and qualification of the proposed teacher;	
ii. the place where the child will be taught;	
iii. the proposed course of study;	
iv. the number of other children to be taught at the same time by the same teacher and the sex and age of each child;	
v. whether the child is to receive the amount of education in accordance with regulation 13(3)(e) of the Children (Performances and Activities) (England) Regulations 2014	
14) The name and address of the proposed chaperone, or the name and address of the parent or teacher who will have care of the child:	

15) The name of the local authority or (in Scotland) the education authority (if any) which has previously approved the appointment of the chaperone:	

16) The number of children to be in the charge of the chaperone during the time when the chaperone will be in charge of the child and the sex and age of each child:	

17) The address of any accommodation where the child will live, if different from the place	

where the child would ordinarily live, the number of other children and details of the chaperone (if any) who will live in the same accommodation:	

18) a) Approximate length of time which the child will spend travelling to and from the place of performance, rehearsal or activity each day:	
b) Arrangements (if any) for transport there:	
c) Arrangements (if any) for transport back:	

19) The name of any other local authority, or in Scotland, any education authority to which an application has been made for another child to take part in performances or activities to which the application relates (if not known at the time of application, to be provided when known):	

Note: this will help the relevant local authorities to take a consistent approach.

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Part 2: Information to be provided by the applicant in relation to the child

Note: the applicant will usually need to obtain this information from the child's parent, and a parent of the child needs to sign the completed form, but the form should be submitted by the applicant (unless the parent is also responsible for organising the activity or production). See regulation 4 of the Children (Performances and Activities) (England) Regulations 2014.

1)Childôs name:	
2)Childôs home address:	
3)Childôs date of birth:	

4)Name and address of the school the child currently attends: OR If the child is not attending school, the name and address of the childôs private teacher:	

5)Details of each licence in relation to the child granted during the twelve months preceding the date of the application by any local authority, or in Scotland, any education authority, other than the licensing authority to which this application is made[8], stating -	
a) The name of the authority:	
b) The date the licence was granted:	
c) The dates and nature of performances or activities:	

[8] This will only be relevant if the child has moved between authorities in the last 12 months.

6) Details of each application in relation to the child for a licence refused by any other authority in the last 12 months, other than the licensing authority to which this application is made, stating -	
a) The name of the local authority or education authority:	
b) The reasons (if known) for the refusal to grant a licence:	

7) Details of any performances for which a licence was not required[9] in which the child took part during the previous 12 months, stating -	
a) The date of the performance:	
b) The number of days of performance:	
c) The title of the performance:	
d) The name and address of the person responsible for the production:	

8) Dates (if any) on which the child has been absent from school during the twelve months preceding the date of the application by reason of taking part in a performance or activity:	

9) Amount of any monies earned by the child during the last twelve months, stating whether the monies earned were in respect of performances or activities for which a licence was granted or a performance for which a licence was not required:	

[9] By virtue of section 37(3) of the Children and Young Persons Act 1963

Medical declaration to be completed by childôs parent

Does your child have: *(answer yes or no)*	If yes please provide details including any treatment or medication:
Asthma	
Any allergies	
Any skin conditions	
Hearing impairment	
Visual impairment	
Any learning disability	
Any physical disability	
Any medical conditions?	
Taking any regular medication(s)?	
Been to see or had a referral to a hospital consultant in the last 6 months?	
I confirm that I have parental responsibility[10] for this child.	Signature of parent:
	Print Name:
Postal Address (if different from child)	
Parents Email Address	
Parents Telephone No.	
Date:	

I certify that to the best of my knowledge the details in this application are correct. I hereby apply for a licence under section 37 of the Children and Young Persons Act 1963:

Signature of applicant: ***(To be signed by person named on page 1)***	
Date:	

I attach the following:

(a) A copy of the childôs birth certificate (scanned copies are acceptable ï please do not send original hard copies)[11];

[10] ! ă ŘŜŦλyŶŜŘ ǿλúKλyˇăŜŎúλ2yˇo 2Ŧ úKŜ /KλfŘ№Ŝyˇ ! Ŏű мфуфΣ ΨLJI·№ŜyűI·f №ŜăLJ2yãλōλfλûèΩ YˇŜI·yã I·ff 2Ŧ úKŜ №ΛΞKűăΣ ŘdzúλŜăΣ LJ2ǿŜ№ăΣ responsibilities and authority which by law a parent of a child has in relation to the child and his property.

[11] In the exceptional ŎλNŎdzYˇăúIˑyŎŜ ǿKŜ№Ŝ úKŜ ŎKλfŘΩă ōλNúK ŎŜNúλŦλŎI·úŜ ŎI·yŸ2ű ōŜ LJN2ǿλŘŜŘ I·ă LJI·Nú 2Ŧ úKŜ I·LJLJfλŎI·úλ2yˇóŜΦΞΦ ōŜŎI·dzăŜ úKŜè Ř2yűú KI·ØŜ 2yŜú úKŜ fλŎŜyãλyΞ I·dzúK2NλûèYˇI·è I·ŎŎŜLJú I·fűŜ№yI·úλØŜ ŜØλŘŜyŎŜΦ

(b) Two identical prints (un-mounted) of a photograph of the child taken during the last 6 months *or* an electronic likeness (e.g. a jpeg file)[12];
(c) A copy of the contract, draft contract or other documents (where they exist) containing details of the agreement regulating the child's participation in the performance or activity to which this application relates.

Notes:

1) *Electronic versions of this form and electronic documentation are acceptable, including signatures.*
2) *You should ensure that the parent/guardian and the chaperone are given a copy of the whole completed form, which you submit to the local authority.*
3) *Any person who fails to observe any condition subject to which a licence is granted or knowingly or recklessly makes any false statement in or in connection with an application for a licence is liable to a fine not exceeding £1000 (level 3 on the standard scale) or imprisonment for a term not exceeding three months or both (section 40 of the Children and Young Persons Act 1963).*

[12] The image must not be altered or enhanced in anyway. It should be a full head shot taken in good light.

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Guidance for completing a Child Performance and Activities Licence Application Form

This guidance has been produced to assist you in completing the Child Performance and Activities Licence Application form; full and accurate completion of the form will enable the local authority to process the application and issue a licence as efficiently as possible.

The application form has been approved by the Department for Education. It is accepted by all councils and should not be altered in any way.

The applicant should complete Part 1 of the form. It should be forwarded to the parent to complete and sign Part 2. It should then be returned to the applicant who, having full details of the child including any medical conditions they should be aware of, should sign the application form on Page 7.

The completed form together with a copy of the child's birth certificate, 2 photographs of the child taken within the last 6 months, a copy of the contract(if issued) and a letter giving permission for absence from school (if applicable) should be emailed to the local authority where the child resides.

All questions on the form must be answered.

Questions that require particular attention:

Question 3. Ensure a full description is included. This information is required to ascertain what conditions if any need to be included on the licence.

Question 5: Ensure that the name of the venue and full address including postcode is entered. If the location does not have a postcode i.e. beach/park provide the postcode of the nearest building or where the unit base will be located.

Questions 6, 7 and 8: Clearly state the dates and time of day the child will be performing. Stating "within permitted hours" is not acceptable. If specific dates are not known a start and end date (not exceeding 6 months) should be entered with the number of days required within that period.

Questions 14 and 15: State the name and address of the chaperone and the name of the local authority who has approved them.

Declarations: The applicant applying for the licence must sign and date the form on Page 7. The parent must sign and date the form following the medical declaration.

Please note failure to answer all questions will delay the issue of a licence and could result in the application being returned.

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SAMPLE CHILD PROTECTION POLICY

Introduction
(Name of company/theatre) have a moral and legal obligation to ensure that, when given responsibility for children all staff, chaperones, parents/legal guardians and volunteers accept their responsibilities to safeguard children from harm and abuse. This means to ensure that everyone follows procedures to protect children and report any concerns about their welfare to appropriate authorities.

There are three elements to our policy:-

- **Prevention** through awareness of each individual childøs needs.
- **Definitions of Child Abuse and Neglect**
- **Procedures** for identifying and reporting cases or suspected cases, of abuse.

The aim of the policy is to promote good practice, providing children and young people with appropriate safety/protection whilst in the care of *(Name of company/theatre)* and to allow staff and volunteers to make informed and confident responses to specific child protection issues.

Prevention
We recognise that the ñentertainment industryò can be a very ñadultò environment and we expect that all staff, chaperones, parents/legal guardians, volunteers and anyone else who comes into contact with children behave in an appropriate manner at all times, and remember that ñThe Welfare of the Child is Paramountò

(Name of company/theatre) will therefore:-

- Act within the Childrenøs Act 1989 & 2004

- Act within The Children (Performances and Activities) (England) Regulations 2014

- Establish and maintain an ethos where children feel welcome and familiar with their environment and are informed of personal (toilets, dressing rooms etc) and emergency arrangements (fire exits, meeting points etc) and any Health and Safety Procedures (Dangerous equipment, First aid etc)

- Inform each child who the appropriate person or people are to speak to if they have any questions, problems or concerns.

- Ensure that all children are treated with respect and dignity and are treated as individuals and offered equality of opportunities.

- Always work in an open environment (e.g. avoiding private or unobserved situations and unnecessary physical contact with children) and involve/allow parents/chaperones wherever possible, to take responsibility for the child/children they are responsible for. (parents must only have responsibility for their own child)

- Recognising the individual needs of the child. eg recognising when a child may be tired and may need a break.

- Ensure that children are supervised appropriately.

- Ensure that all Chaperones are registered with the local authority in which they reside and have an enhanced DBS check.

- Ensure all crew and staff coming into close contact with a child are DBS checked.

- Ensure that all staff and crew who don't necessarily have close contact with children but who are assisting in the production are aware of their conduct around children.

Definitions of Child Abuse and Neglect

A child is abused or neglected when somebody inflicts harm, or fails to act to prevent harm. A child or young person up to the age of 18 years can suffer abuse or neglect and require protection.

- **Physical Abuse -** May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating or otherwise causing physical harm to a child.

  Physical harm may also be caused when a parent or carer fabricates or induces illness in a child whom they are looking after**.**

- **Sexual Abuse -** Forcing or enticing a child/young person to take part in sexual activities, whether or not they are aware of what is happening, may involve: physical contact, including penetrative or non-penetrative acts;
  non-contact activities, such as involving children in looking at, or in the production of pornographic material or watching sexual activities; or
  encouraging children to behave in sexually inappropriate ways.

- **Neglect -** Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

- **Emotional Abuse -** The persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional and behavioural development. It may involve conveying to the child that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may feature age and developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened or in danger, for example witnessing domestic abuse within the home or being bullied, or the exploitation or corruption of children.

  Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone

Legislation, Policy and Guidance

(Name of company/theatre) will adhere to the relevant legislation when working with children and young people under the age of 18 years as outlined in the following:

- Children Act 1989
- Children Act 2004
- Working Together to Safeguard Children 2015

Suspicion of Abuse

- If you see or suspect abuse of a child, immediately make this known to the designated individual/manager responsible for child protection.

Disclosure of Abuse
If a child tells you that they or another child or young person is being abused:-

- Always stop and listen straight away, show that you take their allegations seriously.
- Encourage the child to talk, but do not ask leading questions, interrupt or ask the child to repeat itself.
- Never promise that you will keep what is said confidential or secret ï explain that if you are told something of concern that you will need to let someone know but that you will only tell the people who need to know and can help.
- Record what you have been told accurately and as soon as possible. Use the childôs own words. Make a note of the time, location, whether any one else present and of the Childôs demeanour.
- Ensure that your concerns are reported immediately to the designated individual/manager
- Do not confront the alleged abuser.

Handling Allegations

- If a child makes an allegation against a member of staff it must be reported as a matter of urgency to the designated manager/individual for child protection who will refer to Social Services department for Childrenôs Services. If the allegation is against the designated person then the information should be reported to another senior manager or directly to Social Services department for Childrenôs Services. (This would generally be referred to the authority in which the alleged incident took place).
- The alleged perpetrator should not be made aware of the allegation at this point.

Recording

¶ In all situations the details of allegation or reported incident must be recorded. Make accurate notes of time, dates, incident or disclosure, people involved, what was said and done and by whom, action taken to investigate, further action taken e.g. suspension of individual and if relevant: reasons why the matter was not referred to a statutory agency, name of person reporting and to whom it was reported

The record must be stored securely and shared only with those who need to know.

- **DO NOT worry that you might be mistaken; you have a responsibility to pass on your concerns following a disclosure. Never think abuse is impossible, or that an accusation about a person you know well and trust is bound to be wrong.**

(link to Index)

IT IS YOUR DUTY TO REFER CONCERNS ON, NOT TO INVESTIGATE

The Designated Individuals/Managers for child protection and safeguarding

Name _____

Position in company _____

Contact details _____

_____

_____

_____

The Designated Individuals/Managers for child protection and safeguarding

Name _____

Position in company _____

Contact details _____

_____

_____

_____

CHILDREN IN ENTERTAINMENT ï THE CHILDREN (PERFORMANCES AND ACTIVITIES) (ENGLAND) REGULATIONS 2014
Schedule 3 (Regulation 11) ï Daily Record Sheet

Childôs Full Name		Childôs date of birth	
Parent contact details		Childôs Agent	
Childôs Licensing Authority		Local Authority for location of work	
Chaperone Name & Licensing Authority		Tutor name and Licensing Authority	
Name of Production		Childôs Licence seen/retained	YES / NO
Production Company Name & Tel. No.		Licence Holder Name/ Tel. No.	
Date of Performance		Place of Performance	

07:00				**08:00**				**09:00**				**10:00**			
00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00
11:00				**12:00**				**13:00**				**14:00**			
00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00
15:00				**16:00**				**17:00**				**18:00**			
00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00
19:00				**20:00**				**21:00**				**22:00**			
00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00
23:00				**00:00**				**01:00**				**02:00**			
00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00	00 to 15	15 to 30	30 to 45	45 to 00

A = Arrival at venue **D** = departure from venue **H** = Deliver to home
M = Meal breaks **O** = Other (makeup/costume) **N** = authorised Night work
P = Performance on set/stage (inc. rehearsal/line up) **PU** = Pick up to escort to venue
R = Rest break **S** = Stand by **T** = Tutor time
W = Wrap up

<u>To be completed by the Licence Holder:</u>

Licence held at place of performance: YES / NO

Completed time sheet by Chaperone above: YES / NO

Sums to be earned by the child in respect of this licence é é é é é é é é é é é é é é é é ..

Arrangements made for payment of these sums: é é é é é é é é é é é é é é é é .

Chaperoneôs Signature: _____

Licence Holderôs Signature: _____

Date: _____

TUTOR SUITABILITY CHECKS

Name of licence applicant:	
Address:	
Address:	
Postcode:	

Re: Application for performance licence for ς

Name of child:	
Date of Birth:	
Name of Production:	

In accordance with Regulation 13(3)(c) of the Children (Performances and Activities) (England) Regulations 2014, I confirm that I have carried out the checks stated below and am satisfied that the tutor named below is a suitable person to teach the above named child.

Up to date CV inspected:	Yes/No (delete as applicable)
2 x references received:	Yes/No (delete as applicable)
Enhanced DBS disclosure (child workforce) inspected:	Yes/No (delete as applicable)

Signature of licence applicant: _____

Print name: _____

Date: _____

(link to Index)

Children & Young Persons Act 1933/1963

Children (Performances and Activities) (England) Regulations 2014

Venue Inspection Report under Regulation 17

Venue Inspection checklist

Venue:	
Person responsible for venue:	
CEEO Personnel who carried out inspection:	
Date of last inspection:	
Person facilitating venue inspection	
1. Washing & toilet facilities	
2. Dressing Room facilities	
3. Any backstage area to which the public have access	
4. Rest areas	
5. Potential Hazard areas	
6. Fire Exits	
7. First Aid facilities	

8. Additional information **General comments**	
9. Recommendations	
10. Date of Next Inspection	
CEEO Personnel:	
Signed:	
Date:	

(link to Index)

APPLICATION FOR A BODY OF PERSONS EXEMPTION

Taking place within the Council Boundary

Children and Young Persons Act S.37(3)(b)

Section 1 ς Organisation Details

Name of Organisation	
Registered Address of organisation *inc. postcode*	
Tel. No(s)	
Email address	

Name of Applicant*	
Position in Organisation	
Address if different *Inc. postcode*	
Tel. No(s)	
Email address	

**N.B The applicant must have the authority to agree, on behalf of the organisation, to any terms and conditions set out by the local authority.*

Section 2 - Details of performance

If your application is for a 2 year term and you have not arranged any performances, please continue to section 3

Performance Title	
Address of Venue *inc. postcode*	
Date(s) of performance(s)	
Time(s) of performance(s)	
Description of the performance in respect of which the approval is requested. *Please provide as full a description as you can about what the children will actually be required to do.*	

Section 3 ς Safeguarding arrangements

Name of Person responsible for Child Protection and Safeguarding	
Position in Organisation	
Address *Inc. postcode*	
Tel. No(s)	
Email address	

How do you ensure your child protection policy is followed throughout your organisation?	
What safeguarding training do you provide to those in your organisation who come in to contact with children?	
What arrangements do you have in place for the supervision of the children at rehearsals and performances?	

Have BOPA applications been made to other local authorities? *If yes, which authorities and dates*	
Has your organisation ever had a BOPA refused? *If yes, which authorities*	

Declaration of compliance with ***The Children (Performances and Activities) (England) Regulations 2014***

1. I confirm that no payment in respect of taking part in the performance(s), other than for offsetting expenses, will be made to any young persons or to anyone on their behalf such as a parent/carer.
2. I confirm that the child protection policy for the organisation is attached.
3. L ŎƨyŦλWY ΰKIˑΰ Iˑff ΰKŜ èƨdzy∃ LJŜƨLJfŜΩă LJIˑWŜyΰăkŎIˑWŜWă KIˑØŜ ŎƨyŦλWYˇŜŘ ΰKIˑΰ ΰKŜè IˑWŜ ŦλΰIˑyŘ ΰKIˑΰ ΰKŜλW KŜIˑfΰK will not suffer by taking part in the performance(s).
4. I confirm that the Organisation agrees to the terms as set ouΰ ƛyˇΰKŜ ά/ƨyΰWIˑŎΰ ƨŦ !∃WŜŜYˇŜyΰέ and άDdzΛŘIˑyŎŜέ attached.
5. I confirm that no child of compulsory school age requires any absence from school to take part in the production.

Applicant Signature: _____ Date: _____
Print Name: _____

Please send completed application form and signed contract to:

CONTRACT OF AGREEMENT

EXEMPTION Cwh a / IL[5w9b{ [L/9b{LbD

BODY OF PERSONS APPROVAL

S.37(3)(b) Children & Young Persons Act 1963

Name of Organisation	
Address of Organisation (inc. postcode)	
Telephone No.	
Email Address	
Name and Address of person responsible for the production	
Position in Organisation	

The above organisation has applied to Council (the Local Authority) to be approved as a Body of Persons under s.37 Children & Young Persons Act 1963. If approved, the organisation would be exempted from the need to apply for individual licences for children to perform within the Lancashire County Council boundary.

If approved, the organisation agrees to adhere to the following conditions: -

1. No payment will be made to the child or anyone else, on behalf of the child, other than for defraying expenses.
2. No child will be absent from school to take part in a performance given under the Body of Persons approval.
3. The organisation will provide the Local Authority (LA) with details of each performance/rehearsal including the dates, times and location, together with the full name, date of birth and address of all children taking part, at least 21 days in advance of the first performance unless the LA has agreed to a shorter notice period. Any changes to the performance schedule must be advised to the LA in advance. The organisation will also provide the name and contact details of the lead person responsible for each performance.
4. The organisation agrees to comply with Regulation 11 and Regulations 15 to 29 of The Children (Performances and Activities) (England) Regulations 2014.
5. A risk assessment must be carried out in respect of each place of performance.
6. A first aider is present at each place of performance.The organisation will ensure that an appropriate number of Local Authority approved chaperones (see Reg.15) are engaged to care for the children employed, having specific regard to their sex and age, ensuring that each child is supervised at all times.

7. The organisation agrees to any authorised officer of the LA having unrestricted access whilst any dress or technical rehearsal or performance is taking place at any venue that the organisation uses for such purposes.
8. The organisation will provide a written Child Protection Policy to the LA.
9. The organisation will obtain a signed statement of fitness from the parent of each child.
10. The organisation will ensure that a list of emergency contact details in respect of each child including any medical issues or additional needs is available at the place of performance.
11. The organisation will ensure signing in and out sheets and daily record sheets are completed for each performance.

CONTRACT OF AGREEMENT

Name of Organisation: _____

Failure to comply with any of the above agreements or conditions is likely to result in the LA revoking the Body of Persons exemption with immediate effect.

Failure to comply with Children & Young Persons Act 1963 s.37 and The Children (Performances and Activities) (England) Regulations 2014 is a criminal offence, which on conviction carries a maximum penalty of £1,000 or three months imprisonment or both, for each offence.

In signing this declaration you agree to the terms and conditions above.

Signed _____

Print Name_____

Position in Organisation _____

Tel No. _____

Date _____

(link to Index)

NAME OF LOCAL AUTHORITY

NOTIFICATION OF A PERFORMANCE UNDER BODY OF PERSONS APPROVAL

Name of Venue: .....

Name of Production: .....

Name of Group: .....

Dates and Time of Production: _____

Names of Authorised Chaperones Present:	Date Present:	Expiry date of Licence:	Name of Authority Approving Chaperone:
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

Number of Authorised Chaperones Present per Performance: [ ]

Date: ..... Signature(Body of Persons): .....

Name (please print): .....

Contact No: .....

Address: .....

.....

Date: ..... Signature (Producer) .....

Name (please print): .....

Contact No: .....

Address: .....

.....

Please return completed form to:

Name: Address:

(link to Index)

CHILDREN PERFORMING IN (NAME OF PRODUCTION)

Name of Child	Date of Birth	Full Address of Child Including Post Code

BOPA APPROVAL TO PERFORM

Phone:

Email:

Your ref:
Our ref:
Date:

Dear

PERFORMANCE UNDER BODY OF PERSONS APPROVAL

Thank you for the completed notification of performance and I would confirm that authority is given for the young people to perform as stated below. Please ensure this letter and the list of young people is available during the performance in the event of an inspection by the Local Authority. Please also ensure that all registered chaperones have their licences when on duty.

I wish you every success with the performance.

Name of organisation:
Name of performance:
Date(s) of performance(s):
Time(s) of performance(s):
Venue(s):

Expiry date of Body of Persons' Approval:

Yours sincerely

Child Employment and Entertainment Officer

(link to Index)

DIRECTORATE FOR CHILDREN & YOUNG PEOPLE

THE CHILDREN (PERFORMANCES & ACTIVITIES) (ENGLAND) REGULATIONS 2014

APPLICATION FOR APPROVAL AS A CHAPERONE

"The licensing authority must not approve a person as a chaperone unless it is satisfied that the person is ăđzƛűŀ·ōfŜ ŀ·yŘ Ŏ2ϒLJŜűŜyűXƀ

Regulation 15(4), ***The Children (Performances and Activities) (England) Regulations 2014)***

All information given in this application form will be treated in confidence, other than information relating to criminal offences. Please complete this form in type or block capitals.

Name of Group(s) Associated with:

(eg Theatre Group, Drama Group, Operatic Group, Dance School etc)

Surname *(Block Letters)* Mr/Mrs/Miss/Ms/Other *

First Names *(Block Letters)*

Date And Place Of Birth

Address *(inc postal code)*

Telephone No *(inc STD code)*

Mobile No

Email Address

How long have you lived at this address?

If less than 5 years please list previous address(es)

National Insurance Number

Present Employer

Address

Type of Work

* Delete as appropriate

Professional Qualifications

Additional Information

(a) Have you ever been approved as a Chaperone/Matron? If so, when and by which Authority?

(b) Are/were you a registered child minder or foster carer? If so, when and with which Authority?

(c) Have you received first aid training? If so, provide copy of certificate or details of training provider and dates for verification purposes.

(d) Have you undertaken Child Protection training in the last three years? If so, provide copy of certificate or details of provider and dates, for verification purposes.

(e) If approved will you be acting as a Chaperone in a volunteer or professional capacity?

The Authority is entitled, under arrangements introduced for the protection of children, to check with the Criminal Records Bureau for the existence and content of any criminal record. Therefore, you will be required to complete a disclosure form to enable an Enhanced check to be undertaken.

Please see Lancashire County Council Rehabilitation of Offenders Act 1974 Convictions and 'Spent' Convictions of a Criminal Nature. Advisory Notes attached.

The work for which you are applying will entail regular contact with children and is exempt from the Rehabilitation of Offenders Act 1974. Therefore, you are required to declare any convictions, cautions, bind-overs or prosecutions you may have, even if they would otherwise be regarded as 'spent' under this Act.

Have you ever been convicted of any criminal offence? YES/NO (Delete as appropriate)

If YES, please specify the date of conviction, Court, nature of offence and sentence imposed.

You are also required to declare any cautions, bind-overs or prosecutions you may have, even if they would otherwise be

(link to Index)

Please give the name, address, email address, telephone number and relationship to you of two responsible persons who would be prepared to provide a reference as to your suitability to be a chaperone. References should be from separate sources and not from the same organisation or employer e.g. current or most recent employer, a person who has knowledge of and can comment on your work with children, someone who knows you in a professional capacity. References cannot be accepted from a spouse, partner or family relation or from someone with whom you live.

1.

2.

Give below details of any relevant experience of working with children in either a voluntary or professional capacity:

Council is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment

If approved, do you agree to your details being put on a list of Local Authority approved Chaperones that may be given to amateur groups and dance schools?	YES/NO*

DECLARATION TO BE SIGNED BY THE APPLICANT

1. I hereby declare that the above information is true, to the best of my knowledge. I understand that the Authority will need to make further enquiries regarding any possible convictions I may have. I understand that the Authority will make enquiries of partner agencies regarding my suitability to carry out the duties and responsibilities of a Chaperone.

2. I also declare that I have read and understood the guidance document on the duties and responsibilities of Chaperones. I am fit and able to undertake all the duties detailed within the guidance document. I am not disqualified from work with children or subject to sanctions imposed by a regulatory or professional body eg Ofsted.

3. I also declare that I will notify Council of any change of name or address or any change in circumstances that may affect my ability to effectively carry out the duties and responsibilities of a Chaperone.

4. I also declare that I will have completed Safeguarding Children Board level 1 e-learning course for Safeguarding and Protecting Children or equivalent prior to the processing of my application.

Signed: _____

Date: _____

Please bring this form together with 2 passport sized photographs, the required identification and address documentation, proof of any first aid/child protection training and application fee when you attend the office for interview.

(link to Index)

CHAPERONE APPROVAL

CHILDREN AND YOUNG PERSONS ACTS 1933 - 1963

THE CHILDREN (PERFORMANCES AND ACTIVITIES) (ENGLAND) REGULATIONS 2014

APPROVAL OF CHAPERONES - REGULATION 15

This is to certify that _____ of _____ and whose photograph is attached hereto, has been approved by _____ Council as a Chaperone, under the above-mentioned Regulations, to be in charge of children taking part in performances as per the Children and Young Person Act 1963, for a period of three years from the date of this approval.

As a Chaperone _____ must ensure that her first duty is to the children in her care and that the responsibilities and duties of the position, including record-keeping, are adhered to at all times. Attention is drawn to the information printed on the reverse of this document.

As a Chaperone _____ will notify _____ Council of any change of name or address or any change in circumstances that may affect her ability to effectively carry out the duties and responsibilities of a Chaperone.

Signed: _____ **Date:** _____

Child Employment & Entertainment Officer

Contact: _____

Address: _____

Tel: _____

INFORMATION FOR APPROVED CHAPERONES

(i) Chaperones must have sight of the licence for each child in their care.

(ii) Although the maximum number of children in the care of a Chaperone at any one time may not exceed 12; in most cases this is not practical as factors of age, gender, venue facilities will need to be taken into account for adequate care and supervision to be provided.

(iii) Chaperones are obliged to have care and control of the child(ren) at all times when they are not performing.

(iv) The following particulars in respect of each day on which the child(ren) is/are present at the place of performance/activity should be recorded as per Regulation 11 and Schedule 3:-

- **(a)** the date;
- **(b)** the time of arrival at the places of performance;
- **(c)** the time of departure from the place of performance;
- **(d)** the times of each period during which the child(ren) take part in a performance or rehearsal;
- **(e)** the time of each rest interval;
- **(f)** the time of each meal interval;
- **(g)** the time of any night-work authorised by the local authority under Regulation 28.

(v) Where arrangements are made for the education of the child(ren) by a private teacher, the date and duration of each lesson and the subject taught shall be recorded by the Chaperone or Tutor, as per Schedule 3.

(vi) Details of injuries and illnesses (if any) suffered by the child(ren) at the place of performance, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child(ren) from being present at the place of performance. Any such injuries must be reported immediately to the Licensing Authority and to the Host Authority where the performance takes place.

If Chaperones consider that any aspect of the performance is having an adverse effect on the child(ren) in their care, then their first duty is to that child(ren), and this overrides the needs of the producer or company.

(link to Index)

APPENDIX 15 **Dos and Don'ts for Chaperones**

DO:

- ¶ check the child is comfortable ς you are the person to whom the child looks to guidance , protection, clarification and protect
- ¶ stand up for the child above production pressures ς one of a chaperone's greatest strengths is their ability to negotiate with the production company 'on site' and be able to say no when what is being requested of the child is contrary or detrimental to the child's health, well-being and/or education
- ¶ be the child's champion
- ¶ report any concerns and know wo to report them to and know what to do in each case ς chaperones should keep a note of important contacts e.g. the child's licensing authority, the local authority in whose area the child is performing, the child's agent and the child's parent/legal guardian
- ¶ ask to see a copy of the licence
- ¶ exercise discretion (only when regulation allows) where that is in the best interests of the child
- ¶ be alert to all possible risks to the child
- ¶ challenge people and/or behaviours

DON'T:

- ¶ let the child perform if they are unwell
- ¶ leave the child alone with another adult (unless it's their parent or teacher)
- ¶ ignore or down play questionable behaviour from adults or other children
- ¶ l·ff2ø űKŜ ŎKƛfŘ ű2 ōŜ LJdžǎKŜŘ ƛyű2 űKƛyƎă űKl·ű űKŜѐ Ř2yűű ø l·yű ű2 Ř2
- ¶ take photos of the child
- ¶ seek autographs from performers or become star struck
- ¶ use inappropriate language or smoke whilst on duty
- ¶ consume alcohol or be under the influence of alcohol whilst on duty
- ¶ wear inappropriate clothing

(link to Index)

APPENDIX 16 CHECK LIST t ARRIVAL AT THE VENUE

The Chaperone may find it useful to photocopy this page to use at each job they attend.

¶ CI·Y˙λfλI·ℕλăŜ è2dzℕăŜfŦ ǿλúK ûKŜ ØŜyŒzŜΩă fI·è2dzű

¶ Identify all hazard areas

¶ Locate all fire exits

¶ Ask to hear sound of fire alarm if possible

¶ Arrange fire drill (with alarm) for children

¶ Locate first aid facilities

¶ Inspect dressing rooms (separate for 5 years and over)

¶ Locate and inspect toilets

¶ Locate and inspect rest rooms

¶ Locate and inspect school room

¶ Check on meal arrangements

¶ Check total number of children

¶ Check total number of Chaperones

¶ ! ŏIjdzλℕŜ fλăű 2Ŧ ŏKλfŘℕŜyΩă yl·Y˙Ŝă

¶ /ΚŜŏ] ŜI·ŏK ŏKλfŘΩă tŜℕŦ2ℕY˙I·yŏŜ [λŏŜyŏŜ

¶ Ensure you have emergency home contacts for each child

¶ ² ΚŜℕŜ ℕŜfŜØI·yűΣ Ŝyãdzℕ Ŝ è2dz ΚI·ØŜ ŘŜűI·λfă 2Ŧ ŜI·ŏK ŏKλfŘΩă Y˙ŜŘλŏI·f LJℕ2õfŜY˙ă I·yŘκ2ℕ medication

¶ Ensure there is a signing in and out procedure