



Children in Entertainment

Information for Chaperones and Licence Holders

- **The Children and Young Persons Act 1933 & 1963**
- **The Children (Performance and Activities) (England) Regulation 2014**
- **The Children (Protection At Work) Regulations 1998**

Further advice and information may be obtained from:

Child Licensing Officer

North Somerset Council

Town Hall

Weston super Mare

BS23 1UJ

tel: 01934 426755

email: CSHub@n-somerset.gov.uk

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Introduction

Relevant Legislation:

The Children and Young Persons Act 1933 & 1963

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

The Children (Protection at Work) Regulations 1998

Children who:

- **perform on stage, in television, film or commercial work, or**
- **take part in paid or professional sport or**
- **work as models (fashion & photographic)**

need to be licensed by their local authority for such performances if

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

The Law requires that the local authority in which the child lives, licenses any performance of that child, from birth until s/he ceases to be of compulsory school age. (A child remains of compulsory school age until the last Friday in June of the school year in which they reach the age of sixteen).

The Law also regulates the number of hours child performers are allowed to rehearse and perform, the activities they can and cannot undertake and the standard of facilities and conditions in order to protect their health and safety.

Chaperones

It is a legal requirement that children who take part in public performances or entertainment under a licence issued by the local authority must be supervised by a chaperone (called Matron in the Regulations) approved by a Local Authority. The only exception is if they are in the care of either their parent or agreed tutor. The Chaperone is in *loco parentis* and should exercise the care which a good parent might be reasonably expected to give that child.

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

They are required to undergo an enhanced Disclosure and Barring Service (DBS) check as part of the approval process.

Approved chaperones are essential to ensure that proper provision is made to secure a child's health, safety and welfare whilst at the place of performance. It is essential that chaperones are properly advised and understand their duties and responsibilities due to the varying nature of their role.

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

- A chaperone's first duty is to look after the children in her/his care and so must not undertake any activity that would interfere with the performance of these duties.
- The law says that the maximum number of children an individual chaperone may supervise is twelve. However, the local authority may consider that, owing to the demands of the performance, the ages, gender of the children, or a combination of both, that the chaperone would only be able to supervise effectively a smaller number of children.
- Boys and girls from the age of five must be in separate changing rooms. There would have to be at least two chaperones on duty. Chaperones **must** remain with the children **all** of the time. It is only when they are on stage or performing that chaperones are not required to be by their side.
- Chaperones should possess firm negotiating skills. Occasionally, production companies may try to exploit a child in order to facilitate their own schedule. Chaperones have the power to withdraw a child from a performance if they have good reason and should have the confidence to do so when it is in the child's interest.
- A child should not be allowed to perform when unwell. The chaperone must put the needs of the child first. The chaperone has the responsibility to refuse to accept a sick child who arrives for a performance.

- Qualified first-aiders should be on hand in all entertainment establishments. Chaperones should establish where the first-aid kit and accident book are located.
- The chaperone should become familiar with the procedures for evacuating the building in case of fire and the escape routes from whatever rooms the children are using.
- A chaperone is required to ensure that suitable travel arrangements are in place for each child under her/his control. Chaperones must ensure that the person previously agreed collects the child.
- The chaperone must keep daily records of the children at the place of performance.
- Any significant incident or accident must be fully recorded. The parent and the local authority must be informed at the earliest opportunity. The records must be available for examination on request.
- There should be emergency contact numbers available.

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

(Examples of register, contact and incident forms on pages 7–9 of this booklet. Further copies are available on request from the Local Authority)

Child Protection and Safe Practice

The following summary is intended as a brief guide to heighten awareness of child protection responsibilities and safe practice. In addition it provides advice on recognising and referring suspected or actual abuse. A booklet containing more comprehensive advice can be obtained from the Education Welfare Service. Please note that North Somerset Chaperones are advised to complete a Safeguarding Stage 1 child protection training* as part of their approval process.

Safe Practice

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

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

Allegations

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

Personal Support

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

Records

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

Action

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

Child Protection issues are always difficult to deal with. It is an unfortunate fact that adults with an untoward interest in children infiltrate areas where children are known to be.

We need to ensure that everything possible is done to protect the children in our care

Date **Name of Production** **Venue**

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

Parent Contact Form

Production

Chaperone in charge

Date of performances From To

Name of child	Address	Emergency contact name & number	Medical Details Eg Asthma/Diabetes etc

Incident /Injury Form

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

Production		
Child	Incident	Action

Return Incident Form to: Child Licensing Officer, North Somerset Council, Town Hall, Weston super Mare, BS23 1UJ

Signed

Date

Chaperone in charge

**CHILDREN IN ENTERTAINMENT
RESTRICTIONS IN RELATION TO ALL PERFORMANCES**

Topic	Age 0 to 4	Age 5 to 8	Age 9 & Over
Maximum number of hours at a place of performance or rehearsal (Reg.22)	5 hours	8 hours	9.5 hours
Earliest & latest permitted times at place of performance or rehearsal (Reg.21)	7 am 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 & 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.

Maximum Consecutive Days Permitted to Perform (see 'at a glance' chart on previous)

Any Performances

A child may not take part in a performance or rehearsal on more than six days in any period of seven days.

The age of the child determines what that child may or may not do. Recent legislation has brought about radical changes in relation to this.

- A chaperone may give permission for a child to perform for a period not exceeding one hour after the latest permitted hour if it is not felt prejudicial to the child's welfare (see regulation 29). However the Chaperone must notify the licensing and host authority no later than the following day and provide the reason for this decision.

Night Work

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

Working after Midnight

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

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

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

- Any performing after midnight counts as part of performing time allowed on the previous day. Sixteen hours must elapse before the child starts work again.
- If a child works on two consecutive nights one week must elapse before they do any more night work.

Breaks in Performances

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

- performance
- rehearsal
- employment of any form

Performance or Rehearsal Venues

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

- suitable arrangements have been made for meals, rest and recreation
- premises have suitable and sufficient lavatories and washing facilities
- the child will be adequately protected against inclement weather
- suitable arrangements have been made for the child to get dressed for performance or rehearsal.

Children aged five and over should only dress with children of the same sex.

Children Staying Away From Home

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

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

Travel Arrangements

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

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

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

Children in Entertainment

Performances which require a licence

Prospective licence holders (producers) are sometimes unsure whether performances require a licence or not. The following points will help to clarify the position:

A licence is required for any performance:

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

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

Performances which do not require a licence

A licence is not required:

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

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

Licence Application

The person responsible for the production of the performance in which the child is taking part is the person who should make the application for a licence, not the teacher of the dance school who provides the children, or the model agency.

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

If the child lives outside the United Kingdom, the local authority in whose area the applicant resides, or has her / his place of business, will issue the licence.

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

- proof of the child's date of birth
- one passport sized photograph
- a copy of the child's contract
- a declaration (if under fourteen) that the role cannot be taken except by a child of about that age

The person who signs the licence application will be deemed to be the licence holder. The regulations require that application be made to the local authority **twenty-one days** before the first performance. *(Every effort will be made to process applications received with less than twenty-one days' notice but cannot be guaranteed.)*

Application form which can be filled in online and printed off for signing is available from the following link:

<http://www.n-somerset.gov.uk/my-services/children-young-people-families/childrens-licences-permits/performance-licences/>

Licence Details

The licence will show the following information:

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

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

Responsibilities of the Licence Holder

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

<http://www.n-somerset.gov.uk/my-services/children-young-people-families/childrens-licences-permits/chaperone-licences/>

Requirement to Keep Licence Records *(example forms on Pages 7 – 9 of this booklet)*

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

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

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

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

Medical Requirements

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

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

Absence from School

Under Regulation II of the Education (Schools and Further Education) Regulations 1981, absence may not be authorised for a pupil to undertake employment except in accordance with a licence. There is no provision in law for absence to be authorised for an unlicensed performance.

Education

Whilst the local authority recognises that performances of this nature are part of a child's life experience, it will not permit the child's education to be compromised. Before granting a licence, the local authority will check the child's attendance, and liaise with the school where necessary. A copy of the licence is sent to the school.

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

The authority must be satisfied that:

- the private tutor is suitable and competent
- the course of study is suitable
- one teacher must not teach more than six children at anyone time unless they have all reached a similar standard and in this case the teacher may teach twelve
- the school room must be approved by the local authority
- the child should be taught for at least three hours on each day that they would normally be required to attend school.

Performances Abroad

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

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

unless

- A licence has been granted for this purpose by a Justice of the Peace sitting at a Magistrates Court within the area in which the child lives, or at Bow Street Court, London
- Notice of the intended application must be given to the Chief Officer of Police for the district in which the child resides at least seven days before the application is heard. The Magistrate will not grant the licence unless satisfied that notice has been properly given.
- **NB. The local authority has no involvement or responsibility for the issuing of such licences**

Dangerous Performances

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

In addition the regulations state:

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

Circus Performances

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

- Twice on school days
- Three times on other days

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

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

Powers of the Local Authority

With a Warrant

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

- employment is taking place, or
- a child is believed to be taking part in, or being trained for, a dangerous performance contrary to the provisions of the relevant legislation

Without a Warrant

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

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

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

Useful Telephone Numbers

North Somerset Council Responsible Officer	01275 888808
Social Care, Out of Hours Duty Team	01454 615165
Health & Safety Executive	0207 560 6666
Avon and Somerset Police	0845 670 000

Useful Website Links

North Somerset Safeguarding Children's Board (NSSGB)

<http://www.northsomersetlscb.org.uk/>

National Network for Children Employment & Entertainment (NNCEE)

<http://www.nncee.org.uk>

This booklet has been produced by, and is the agreed working practice of, the following Local Authorities:

Bath & North East Somerset

Bournemouth

Bristol

Cornwall

Devon

Gloucestershire

Hampshire

North Somerset

Plymouth

Poole

Portsmouth

Somerset

Southampton

South Gloucestershire

Torbay

Wiltshire