

Children in Entertainment

Performing on stage, television, film or commercials





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Introduction

This booklet has been produced in an easy to read form and is designed to answer some of the most common queries about children appearing on stage or in a broadcast performance.

It is intended to help licence holders (producers) understand the restrictions imposed by legislation as well as any conditions placed on a performance licence issued by the local authority.

It is essential for the licence holder to be aware of their responsibility towards each child taking part in entertainment and to understand that it should be a pleasurable experience for the child.

This booklet looks more closely at the role of the registered chaperone and how they may safeguard, support and promote the wellbeing of the children, in their care.

It deals with the most common types of performances in entertainment, but as the legislation concerning children in entertainment is very detailed and often difficult to interpret accurately, you can contact the child employment office on 01926 742522/742201 for more information.

Warwickshire County Council are grateful for the contribution and support provided by Surrey County Council in the preparation of this document.



Legislation

The legislation below relates to:

- children in entertainment, performing on stage, or television, in film, or commercials
- children working in paid/ professional sport
- children working as models.

The legislation that deals with children in entertainment is:

- The Children and Young Persons Act 1933 Sections 23 to 30
- The Children and Young Persons Act 1963 Sections 37 to 44
- The Children (Performances and Activities) (England) Regulations 2014

The legislation requires that all children, from babies until they cease to be of compulsory school age, be licensed by the local authority in which they live, when they take part in a performance on stage or in a broadcast.

A child remains subject to these regulations until the last Friday in June of the academic year in which they turn 16. The academic year runs from 1 September - 31 August inclusive.



A performance licence

What type of performances need a licence?

Any performance:

- in connection with which a charge is made
- at a licensed premises or a registered club
- that is broadcast i.e. is recorded by whatever means with a view to its use in a broadcast (including on the internet and web based social media), 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.

What type of performance does not need a licence?

- If a child does not perform on more than four days in any period of six months and no payment has been made to the child or any other person (providing that there is no absence from school).
- School performances.
- Performances put on by a body of persons approved by the secretary of state or by the local authority where the performance takes place, where no payment has been made to the child or any other person (providing that there is no absence from school). This could include amateur drama society productions, dance schools, churches, scouts and other youth organisations.

- Any activity which the local authority does not consider to be a performance. This could be children interviewed or filmed while taking part in some normal activity not specially arranged for the purpose, such as doing ordinary school lessons, playing in the park, or at a youth club.

If the activity is directed in any way, it may be considered a performance and consequently may need to be licensed.

Performance licence application

The person responsible for the production of the performance in which the child is taking part is the person who should make the application for a licence. This should not be the dance teacher or agent for instance.

The person who signs the licence application will be deemed to be the licence holder. The application must be made to the local authority at least 21 days before the first performance otherwise the application may be refused by the local authority.

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 been issued, the law requires that they be cared for by either their own parent or by an approved chaperone. It is the responsibility of the licence holder to ensure that there is the appropriate number of required

chaperones on duty at each performance and that they are providing the supervision required by law.

The licence holder is required to keep certain records including the details of the child's performance times and breaks, which must be retained for six months after the last performance on the licence.

The licence holder must immediately advise the child's parent and the local authority when a child is injured in any way.

Applying for a performance licence

A licence is granted by the local authority where the child lives (this may not necessarily be the same local authority as the child's school). The applicant completes and signs their part of the performance licence application form and the parent then completes and signs the other part. This complete form is then sent to the local authority with the following items attached:

- proof of the child's date of birth (photocopy of birth certificate or passport)
- ONE un-mounted passport sized photograph
- a copy of the child's contract if appropriate
- parental declaration of the child's health and authorisation from the school for any school absence that may be involved.

Should the child live outside the UK the local authority in whose area the applicant resides, or has his place of business, will issue the licence. If neither of these is based in the UK the responsibility will normally fall to the local authority in whose area the first performance takes place.

Performance licence details

The licence will show the following information:

- the child's name and date of birth
- a photograph
- the name of the child's parent
- the identity of the licence holder
- the name and nature of the performance
- the place of the performance
- the dates of performances or 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 and 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 his/her education will not suffer and that proper provision has been made to secure the child's health, comfort and kind treatment.

Medical requirements

In order to ensure that a child is fit to take part in a performance the local authority has discretion to require a child to be medically examined if they think this is necessary. In most cases a declaration of the child's health by the parent will be sufficient.

No child should be allowed to perform when unwell. If a child does fall ill or is injured whilst taking part in a performance a doctor should be called and the licence holder and chaperone must inform the parent and the local authority immediately (within 24 hours). At weekends contact with the local authority must be carried out the next working day.

Education

Warwickshire County Council recognises that taking part in performances can be an important part of a child's education for life. However the local authority cannot grant a licence unless it is satisfied that the child's formal education will not suffer by taking part in the performances. Before granting a licence, Warwickshire County Council will liaise with the headteacher of the child's school to ensure that the child's education will not suffer should that licence be granted.

For long engagements there should be a private tutor, although regulations do not stipulate how many days absence from school will be permitted before the local authority must insist on this. It is the responsibility of the

licence applicant to explain how the child's education will continue during the period of the licence and it is the local authority in conjunction with the school, 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 any one time unless they have all reached a similar standard and in this case the teacher may teach 12
- the school room must be approved by the local authority
- the child should be taught for at least three hours on each day that he/she would normally be required to attend school.

Absence from school

Under the provision of regulation 7 (2) of the Education (Pupil Registration) (England) Regulations 2006, absence may not be given to enable any pupil to take part in a performance except when a performance licence is issued. The law contains no provisions under which absence may be authorised for an unlicensed performance.

Open licences

Some local authorities have previously issued licences without the date or number of days within a given period,

the location of or the nature of the performance or the name of the applicant being shown on the licence. For a licence to be legal it must contain all of this information.

In Warwickshire we appreciate that performance licences are often required with little notice. For children that live within the Warwickshire authority area, we recommend agencies keep copies of the relevant information required from the parent, for an application to be made. With the parent's permission, the personal details of each child on the parental part of the application form plus copies of birth certificate, photos, and parental medical declaration can then be submitted along with the details of the assignment from the production (applicant) on their part of the application form and permission from the child's school if there is any absence from school involved. The application should be submitted to the child employment team at Warwickshire County Council. This can be done by email or by post. Details are provided on page 29.

Chaperones

Registered chaperones are there to ensure the proper provision is made to secure a child's health, comfort and kind treatment. They have a responsibility to safeguard, support and promote the wellbeing of the child/ren in their care. All children must be supervised by a registered chaperone when they are not in the care of their own parent or the teacher who normally provides their education.

Children staying away from home

The local authority has to ensure the comfort of a child who is required to stay away from home as a result of taking part in a performance(s). Therefore the child may only stay in a place approved by the local authority for the area in which he/she is to perform. That authority may inspect the lodgings to make sure that they are clean, comfortable and suitable for children.

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

Travel arrangements

The holder of the licence shall ensure that suitable arrangements are made for the child to get to his/her home, or other destination, after the last performance/rehearsal on each day by a parent's car or, other transport. A child's age must be taken into account when making these arrangements but children should not be allowed to go home unsupervised especially, for example, after an evening performance in the theatre.

Chaperones must be kept fully advised of all arrangements for the children in their care.

Venues - performance or rehearsals

The local authority has an obligation towards all children to ensure that the premises, where either a performance or rehearsal is to take place, meets certain criteria.

Therefore the local authority will approve a place of performance or rehearsal only if it is satisfied that:

- suitable arrangements have been made for meals, rest and recreation
- the place is supplied with suitable and sufficient toilets and washing facilities
- the child will be adequately protected against inclement weather
- suitable arrangements have been made for the child to dress for the performance or rehearsal.

Children aged five and over should only dress with children of the same sex. Children under five may change in dressing rooms of mixed gender provided they are with other children aged under five years only.

Children must never change in an area where adults (other than chaperones) are present.

Maximum days permitted to perform

A child may not take part in a performance or rehearsal on more than six consecutive days.

Breaks in performances

Where a performance licence is granted for 60 days or more there must be a 14 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.

Permitted hours of performance

With the introduction of the Children (Performance and Activities) (England) Regulations 2014 on 6 February 2015 the permitted hours for all performances changed. The following table summarises the maximum permitted hours and breaks that apply for the different ages of children. These apply to all performances whether the children are licensed or are performing without a licence under Section 37(3)(a) of the Children and Young Persons Act 1963.

The table gives a summary of the regulations. However where the performance has been delayed due to unforeseen circumstances, a chaperone may give permission for a child to perform for an extra one hour for that age of child, if he/she feels that the welfare of the child will not be prejudiced and the child has not already performed for the maximum number of performance hours that day. There must be an interval of at least one and a half hours between two performances or rehearsals in the same day. This interval

may be reduced to 45 minutes when the two performances take place at the same venue and the first performance or rehearsal lasts for not more than one hour.

If a child has taken part in a performance or rehearsal on the previous day, there must be a break of at least 12 hours before he/she is present again at a place of performance. For example, if a technical rehearsal continued until 10.30pm one night, the child could not attend a dress rehearsal until at least 10.30am the following day.

Permitted performance times for all performances

Age of child	Maximum number of hours permitted at place of performance or rehearsal	Earliest and latest permitted times at that place	Maximum period of continuous performance or rehearsal
Birth until child reaches 5 years old	5 hours	7am to 10pm	30 minutes
5 years old until child reaches 9 years old	8 hours	7am to 11pm	2.5 hours
9 years old until school leaving age	9.5 hours	7am to 11pm	2.5 hours

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Maximum number of hours of performance or rehearsal	Minimum intervals for meals and rest	Minimum number of hours of education on school days if being privately taught
2 hours	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.	N/A
3 hours	<p>If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes.</p> <p>If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.</p>	<p>3 hours per day (maximum of 5 hours per day).</p> <p>15 hours per week, taught only on school days.</p> <p>Minimum of 6 hours in a week if aggregating over 4 week period or less.</p>
5 hours	<p>If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes.</p> <p>If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes</p>	<p>3 hours per day (maximum of 5 hours per day).</p> <p>15 hours per week, taught only on school days.</p> <p>Minimum of 6 hours in a week if aggregating over a 4 week period or less.</p>

Night work (after permitted hours) for all performances

The local authority may grant a licence for a child to work after the permitted hours if they are satisfied that there are sufficient good reasons to allow this and that the child's welfare will be safeguarded. Permission would normally only be granted in exceptional circumstances.

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

- hours after the last permitted hour for that child's age count as part of performing time allowed on the previous day, before the child starts work again
- if the child works after permitted hours on two consecutive nights they may not do anymore night work for at least another week.

Dangerous performances

The extent to which a child may be involved in dangerous performances is extremely limited.

Performances of a dangerous nature include all acrobatic performances and performances as a contortionist.

In addition, the regulations state:

- no child shall take part in any public performance whereby his life or his limbs are endangered

- no child under 12 years may be trained in such work
- a child who is age 12 or more may be trained under a licence issued by the local authority of the area in which the training is to take place (or any one area if more than one local authority is involved) subject to conditions which may be imposed.

Powers of local authority with a warrant

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

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

Powers of local authority without a warrant

An officer of the local authority or a police officer may, at anytime, enter any place if it is:

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

An authorised officer may also, at any time during the currency of any licence granted under section 37 of the Children and Young Persons Act 1963 or relating to training for dangerous performances, enter any premises where the performance or training is authorised to take place and make enquiries about any child to whom the licence relates.

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

Performances abroad

No child is permitted to go abroad (i.e. outside Great Britain and Northern Ireland) for the purpose of singing, playing, performing, or taking part in any broadcast or recording to be used in a film for public exhibition, taking part in sport or working as a model, where payment for them doing so is made to the child or another person unless a licence has been granted for this purpose by a justice of the peace sitting at a magistrates' court in the district where the child resides.

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

Please note: performances in the Isle of Man are abroad within the meaning of this section of the act.

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.

Requirement to keep licence records

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

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

- The licence.
- The following particulars for each day or night on which the child is present at the place of performance:
 1. the date
 2. the time of arrival at the place of performance
 3. the time of departure from the place of performance
 4. the time of each period during which the child took part in a performance/rehearsal
 5. the time of each rest interval
 6. the time of each meal interval
 7. the time of any night work authorised by the local authority.
- 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 should be kept.

- Details of injuries and illnesses (if any) suffered by the child at the place of performance, including dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance.
- The dates of the breaks in performances required under regulation 27(1) of The Children (Performances and Activities) (England) Regulations 2014.
- The amount of money earned by the child by taking part in the performance and the names, addresses and description of the persons to whom the money was paid.
- Where the licensing authority grant a licence subject to the condition that the money earned by the child shall be dealt with in a manner approved by them, the amount of money and the manner in which it has been dealt with. 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.



Chaperones

It is a legal requirement that whenever children are engaged in public performances or activities under a licence issued by the local authority, they must be supervised at all times by an approved chaperone, unless they are under the direct supervision of either their parent or the teacher that ordinarily provides their education.

Chaperones hold a key role in ensuring that the experience a child gains whilst engaged in such performances or activities is one that they enjoy and find beneficial. Warwickshire County Council believes that taking part in performances gives children the opportunity to grow as individuals and, develop their life skills. It helps them gain confidence and promotes self-esteem whilst enabling them to appreciate the needs of others.

Understanding the role of the chaperone is extremely important both to the chaperone and to the children under their supervision.

Children take part in performances which are individually very different and varied so may be difficult to appreciate the vast contrast in the type of performances a chaperone could be asked to supervise.

Many chaperones first register with the local authority because their child is performing in the annual dancing school amateur dramatic performance, with little or no intention to be involved in any other productions. However,

the Government only permits one standard of approval for chaperones. Properly approved chaperones have the authority to supervise children at the local amateur dramatic performances, at a top west end show or indeed on a film set or on location on the other side of the world. It is therefore vital that chaperones understand all aspects of their role, the responsibility and obligation they have and how to use those powers effectively and for the benefit of the children in their care.

The law states that the maximum number of children an individual chaperone may supervise is 12. However, the local authority may consider that due to the ages and/or gender of the children, the chaperone would only be able to effectively supervise a smaller number. For instance, if boys and girls were in separate changing rooms, as required by law, there would have to be at least two chaperones on duty. This is because the regulations state that chaperones must remain with the children all of the time. This includes the dressing room.

It is only when they are on stage or performing that chaperones are not required to be by their side, but they must have them in view at such times. Experience shows that children are not always safe, even when on the stage performing. Chaperones may feel that they are in the way, and to some extent not giving the child/ren sufficient freedom. However, their sole concern must be to safeguard, support and promote their wellbeing, whilst ensuring the kind treatment of every child in their care.

Included in this booklet there are many restrictions in relation to when a child may work. These are set by the Government to protect the child's general welfare. Chaperones must be familiar with these restrictions. The regulations are designed to prevent a child being exploited by working too many hours and to ensure the child's general wellbeing or education does not suffer in the long term. A chaperone's responsibility is to the child at all times.

There may well be occasions where a producer will want a child to continue working beyond the hours allowed. It is vital that where this is the case the chaperone is strong enough to advise this person that the performance cannot be allowed to continue. Chaperones must check carefully, the information on permitted hours, given in this booklet. The regulations vary according to the child's age and since 6 February 2015 have been made more flexible. If a chaperone feels that a particular child in their care is too tired, being over worked or present at a time which is not in the child's best interests, the chaperone must insist that the child be allowed to rest or go home. The chaperone must also insist the production make any necessary adjustments to the child's performance schedule to ensure their continued wellbeing. If the changes are not made or where the chaperone remains concerned about a child, they must contact the child's local authority and the local authority where the performance is taking place for additional support.

Included in this booklet is a page containing useful telephone numbers. It is hoped that this will help

chaperones deal with any problems they may encounter whilst carrying out their duties. Child protection issues are always difficult matters to deal with.

The child employment officer will normally be the first point of contact. If they cannot be contacted we have listed the telephone number for the social care services emergency duty team. The team on that number are specialists in this area. It is an unfortunate fact that adults with an untoward interest in children will infiltrate areas where children are known to be. We need to be sure that everything possible is done to protect the children in our care from harm of this nature. It must be remembered that a chaperone's first duty is to look after the children in their care and must not undertake any activity that would interfere with the performance of these duties.

Except when a child is in the care of a tutor, a chaperone is in loco-parentis and is required to exercise the care, which a good parent might reasonably be expected to give a child. They may not undertake any other role whilst engaged as a chaperone.

A chaperone is required to ensure that suitable travel arrangements are in place for each child in their care. They are also required to ensure that the person previously nominated collects the child and that there is a complete register of the children, with emergency contact numbers which must be kept securely yet available in the event of an emergency. These may be examined by the local authority without advance warning.

It is suggested that several contact numbers are obtained as the more contact numbers available, the easier it will be to contact a suitable adult if the nominated person is delayed in collecting the child.

Records of any injury or accident to a child must be fully recorded in a register. A parent and the local authority must be informed at the earliest opportunity. In all licensed entertainment establishments, qualified first-aiders must be on hand. This is something chaperones should establish when they arrive at a place of performance as well as where a first aid kit is located.

Additionally, in case of an emergency, the chaperone should be aware of the evacuation procedures and assembly points. Knowledge of what sound is generated to activate the fire alarm would be useful and would distinguish it from other potential sounds such as security or hold up alarms.

The local authority has the power to enter any premises where a performance or activity is being performed by children, without prior notice, to establish that the children are being properly supervised and cared for. They have the power to withdraw the children from the performance, and/or withdraw the chaperone's registration.

This is the last thing the local authority wish to do. By providing chaperones with support and clear information regarding the extent of their role and the responsibility they have to the children in their care, and by working together we hope it will make it unlikely that we should ever have to take this type of action.

Details of how to become an approved chaperone can be found on our website or by contacting our office.

What to do if you notice signs and symptoms of abuse

- Listen - non judgementally.
- Ask open questions to clarify but not to investigate.
- Do not promise confidentiality - explain you may need to talk to someone else.
- Inform the designated person of your concerns immediately.
- Reassure the child, but avoid unnecessary physical contact.
- Record what the child has said - using the child's words. Note the context, time and date on your records and sign it.
- Avoid judgements and opinions.
- Ask for advice about what to do next.
- Maintain contact with the child for reassurance.
- Be professional, do not discuss the matter openly.

Ask for advice about what to do next. Speak to the person responsible for child protection if you are unsure who this is, then speak to the licence holder, or whoever is in charge of the group as this will be the person you need to speak to for advice.



Useful contact information

It is hoped that through training and this reference booklet that chaperones will now feel more aware of their powers and how they should be interpreted, and feel more comfortable about their role. All chaperones registered with Warwickshire County Council will receive the full support of the local authority when they are making decisions for the benefit and in the best interests of the child in their care.

If you require any further advice or clarification about what is required in respect of children engaged in entertainment, then please contact the child employment team at Warwickshire County Council.

Child Employment Team

(01926) 742522
Saltisford Office Park, Warwick,
Warwickshire CV34 4UL
childentertainment@
warwickshire.gov.uk

Children's Services

Duty team (refer to area)
(01926) 401410
Out of Hours
(01926) 886922

Health and Safety Executive (HSE)

National 0151 9514 000
Out of hours 0151 9229 235

Safeguarding Children Manager

(01926) 742525

Child Line

0800 1111

MASH

Warwickshire Multi Agency
Safeguarding Hub
01926 414144.

NSPCC Helpline

0800 800 500

Warwickshire Police

101 or (01926) 451111

Child Employment Team
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www.warwickshire.gov.uk/childentertainment

