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CITY COUNCIL



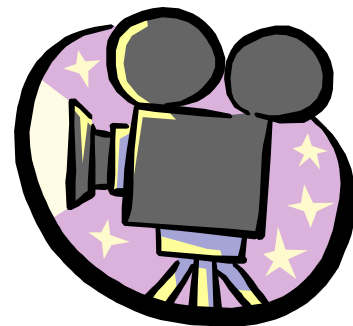
CHILDREN IN ENTERTAINMENT

INFORMATION FOR CHAPERONES & LICENCE HOLDERS

Further advice and information
may be obtained from:

Child Employment Office
Dame Judith Professional Centre
Sundridge Close Cosham
Portsmouth PO6 3JL

Tel: 023 9220 1118 Fax: 023 9220 1564
Email: mike.harding@portsmouthcc.gov.uk



Children in Entertainment

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Introduction

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

they are paid or

they require absence from school or

they will perform for more than four days within a period of six months.

Legislation prescribes how the health & safety, moral welfare and educational needs of child performers are met through regulation of the number of hours they rehearse and perform, the activities they can and cannot undertake and the standard of facilities and conditions in which they may work.

A licensing system, administered by the Local Authority in which the child lives regulates the participation of children in performances.

Performance licences are obtained by the producer from the local authority in whose area a child lives and will show the name, photograph and date of birth of the child, along with the dates and times of the performance.

A child, for the benefit of the legislation and these guidance notes, is anyone from birth until they cease to be of compulsory school. 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.

Legislation

Children and Young Persons Act 1933 & 1963

Children (Performances) Regulations 1968 (as amended)

Children (Performances) (Miscellaneous Amendments) Regulations 1998

The Role and Duties of Chaperone

The Regulations make mention of ‘Matrons’ and for the purpose of these guidelines they will be referred to as a chaperones. A chaperone can be adult male or female.

It is a legal requirement that children engaged in public performances or entertainment under a licence must be supervised by a chaperone approved by a Local Authority, unless they are in the care of either their parent or agreed tutor.

Chaperones are required to undergo an Enhanced Criminal Records Bureau check carried out by the Local Authority prior to their approval.

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

Chaperones are crucial in ensuring that proper provision is made to secure a child's health, safety and welfare whilst at the place of performance. The Local Authority consider them to have a vital role and prior to approval will make certain they are properly advised and understand their duties and responsibilities.

The chaperone's sole duty is to protect the health & safety, moral welfare and education, whilst ensuring the kind treatment, of each and every child in their care and they must not undertake any activity that would interfere with the performance of this duty.

A chaperone must remain with the children at all times except when they are on stage or performing.

The maximum number of children an individual chaperone may supervise is twelve. However, due to the ages and gender of the children, or a combination of both, the chaperone may only be able to effectively supervise a smaller number. Boys and girls from the age of 5 must be in separate changing rooms with a chaperone.

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

The chaperone must keep daily records of the children at the place of performance. A list of emergency contact numbers for each child must be kept available. Any significant incident or accident concerning a child must be fully recorded at the earliest opportunity. Licence holder, parent and Local Authority should be advised of any significant incident. The records must be held accessible for examination on request. *NB. There are example forms on pages 7 – 9 of these guidelines. (Further copies are available on request to the Child Employment Office).*

Chaperones should confirm that first-aid provision is adequate and establish location of the accident book.

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.

Arrangements for handing over responsibility, e.g. between chaperone and parent, will vary according to the circumstances. It is important to ensure that there is never a time at which it is left unclear who is responsible for the child.

The Local Authority is 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.

If the chaperone is felt to be discharging their duties in any unsatisfactory way the approval of the Local Authority may be rescinded.

The Local Authority is empowered to revoke a child's performance licence if deemed necessary.

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 your local Child Employment Office. Information on training is also available.

Safe Practice

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

- Use of appropriate language, touch and general behaviour;
- Avoidance of any unnecessary physical contact;
- Refraining from lone contact or meetings with individual children.

Allegations

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

Recognition

Recognising abuse is not a precise science and sometimes, even professionals get it wrong, however, the welfare of the child is and must be paramount. Abuse can fall into any of the following categories, physical, emotional, sexual or neglect.

Personal Support

Theatres/production companies should have a child protection policy in place and a nominated person as point of contact 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 to make a referral to Social Services. If they decline to refer the matter on, you should do so by telephoning the local Social Services Duty Team.

Child Protection issues are always difficult matters 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 be alert that everything possible is done to protect the children in our care from harm of this nature.

Injury/Incident Form

This form should be completed by the chaperone. All details of any incident, injury or illness involving any child, however slight, should be noted in the space below.

Name of production

Chaperone
(Print name) **Signature:**

Date

Non – Broadcast Performances

Permitted Times

Maximum performances per day	Maximum 2 per day	2 performances OR 1 performance & 1 rehearsal
Performances per week	Maximum 6 days per 7 day week	After 8 consecutive weeks, a 2 week interval is required before performing again in any production
Interval between performance days	14 hours must elapse between the end of the previous days performance and the beginning of the following days performance	
Performance Time	Maximum 3 ½ hrs	Including breaks
Appearance in performance	Maximum 2 ½ hrs	Aggregated
Intervals	1 ½ hours minimum	Between 2 performances OR 1 performance & 1 rehearsal
Exception to intervals (in any week)	On not more than 2 days, a minimum of 45 minutes interval between performances and/or rehearsals. Maximum 6 hours at place of performance.	
Performances on a school day	If attending school after the morning session	1 performance OR 1 rehearsal only
Performance hours	Age 12 & under	Age 13 and over
Earliest arrival	10.00	10.00
Latest departure	22.00	22.30
Exception to latest departure	No later than 22.30 / 23.00 on not more than 3 evenings per week, provided that child is not so present on more than 8 evenings in a period of 4 consecutive weeks.	
Medical	YES if performing <i>longer than 1 week</i>	Performing over 6 consecutive days
	NO if performing <i>less than 1 week</i>	Performing under 6 consecutive days
Arrangements for getting home	Applicant shall ensure that suitable arrangements (having regard to the child's age) are made for the child to get to his home or other destination after the last performance or rehearsal or the conclusion of any activity on any day.	

Broadcast and Recorded Performances

Permitted Times

Not more than five days within a period of seven days			
	Under 5	Age5 but under 9	Age9 or over
Maximum time permitted at place of performance	5 hours	7 ½ hours.	9 ½ hours
Earliest and latest permitted times at place of performance	09.30 – 16.30	09.00 - 16.30	07.00 – 19.00
Maximum period of performance or rehearsal	2 hours	3 hours	4 hours
Maximum period of continuous performance or rehearsal	30 minutes	45 minutes	1 hour
Minimum intervals for meals and rest	All times when not taking part in the performance	<p>If present for 3 ½ hours: 2 breaks, one for at least 1 hour and the other for at least 15 minutes.</p> <p>If present for 7 ½ hours: 3 breaks, two for at least 1 hour and the other for at least 15 minutes.</p>	<p>If present for 4 hours: 2 breaks, one for at least 1 hour and the other for at least 15 minutes.</p> <p>If present for 8 hours: 3 breaks, two for at least 1 hour and the other for at least 15 minutes.</p>
Minimum hours of education (if required)	N/A	3 hours per school day (15 per week)	3 hours per school day (15 per week)
<p>EXCEPTIONS: BBC/ITV and Contractors for children aged 13 and over only (Reg 27 (2)(a))</p> <p>Maximum time per week: between 07.00 & 19.00 OR between 10.00 & 22.00.</p> <p>12 hours any 1 day OR 10 hours any 2 days OR 9½ hrs any 3 days PROVIDED not present on any other day that week and not present after 19.00 on maximum 20 days in the previous 12 months.</p>			
<p>ALTERNATIVE TO ABOVE EXCEPTIONS (Reg 27 (2)(b))</p> <p>Maximum time per week: between 07.00 & 19.00 OR between 10.00 & 22.00.</p> <p>12 hours any 1 day PROVIDED not present more than 4 hours on any other day that week AND does not take part for more than 2 hours any other day that week AND: does not take part on day following a day on which he was present after 19.00 AND: has not been present after 19.00 on any of the previous 6 days.</p>			

Maximum Days Permitted to Perform

Broadcast or Recorded Performances

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

Other Performances

A child may not take part in a performance or rehearsal on more than six days in any period of seven days. *(If there is a mixture of the two, the limit is five days as for broadcast and recording performances.)*

Broadcast or Recorded Performances

The age of the child has a distinct effect on what that child may or may not do. Recent legislation has brought about radical changes in relation to this area of entertainment. The table on page 11 gives an 'at a glance' view of the regulations.

A chaperone may give permission for a child to perform for an extra thirty minutes after the latest permitted hour if not felt prejudicial to the child's welfare. Additionally, in exceptional circumstances a child aged twelve or over may be present at a place of performance or rehearsal between the hours of 10.00 am and 10.00 pm. However, this exception only applies to the British Broadcasting Company and the Independent Television Authority.

Night Work in Broadcast or Recorded Performances

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

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 again starts work. 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 or employment of any form.

Performances which require a licence

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

A licence is required for any performance:

If absence from school is required;

In connection with which a charge is made;

At a licensed premises or a registered club;

Any broadcast or any performance recorded by whatever means with a view to its use in a broadcast, or film intended for public exhibition.

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

Performances which do not require a licence

A licence is not required:

If a child does not perform on more than four days in any period of six months (*providing there is no absence from school required*);

For performances organised by school;

For performances put on by a body of persons approved and granted exemption by the Secretary of State or by the local authority, and no payment has been made to the child or any other person. (*This might include productions organised by churches, scouts and other youth organisations*);

Any activity that 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*).

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

Licence Application

The person responsible for the production of the performance in which the child is taking part is the person who should make the application for a licence. (*This should not be the teacher of a dance school that provides the children*).

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

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

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

- Proof of the child's date of birth

- Two identical, unmounted, passport sized photographs

- 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 at least 21 days before the first performance. (*Every effort will be made to process applications giving less than 21 days notice but cannot be guaranteed.*)

Licence Details

The licence will show the following information:

- Details of the child;

- 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 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 their education will not suffer and that proper provision has been made to secure the child's health, safety and welfare.

Responsibilities of the Licence Holder

The licence holder is responsible for observing the conditions of the licence. Wherever children are involved in a public performance for which a licence has issued, the law requires they are cared for by a registered chaperone. It is the responsibility of the licence holder to ensure there are an appropriate number of 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, which must be retained for six months after the last performance to which the licence relates.

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:

- a. The licence
- b. The following particulars in respect of each day 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 carried out;

The dates of the breaks in performances;

The amount of all sums earned by the child by reason of taking part in the performance and the details of the persons to whom such sums were paid

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

Medical Requirements

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

In order to ensure that a child is fit to take part in a performance the local authority has the discretion to require a child be medically examined if they think necessary. Medical clearance by the Senior Medical Officer (*or any other practitioner approved by the authority*) covering the area in which the child lives is compulsory for:

Film or television work;

Performances lasting more than a week in which the child is to perform on six days during that week (*five days for sound broadcasting*);

Every month for runs lasting more than four weeks.

Once obtained, medical clearance is valid for a period of six months.

Absence from School

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

Education

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

For long engagements there should be a private tutor, although regulations do not stipulate how many days absence from school will be permitted before the authority insist on this. It is the responsibility of the licence applicant to state their proposals for the child's education at the outset and it is the local authority who then decide 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 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.

Venues of Performance or Rehearsal

The local authority must be satisfied that 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;

The premises have suitable and sufficient toilets and washing facilities;

The child will be adequately protected against inclement weather;

Suitable arrangements made for the child to dress for performance or rehearsal.

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

Children Staying Away From Home

The local authority are 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 that are clean, comfortable and suitable.

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

Travel Arrangements

The holder of the licence shall ensure that suitable arrangements are made for the child to get to his/her home, or temporary residence, after the last performance 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 arrangements for children in their care.*)

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 of where the child resides or 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 shall not grant the licence unless satisfied that notice has been properly given.

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

Dangerous Performances

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

In addition the regulations state:

No child shall take part in any public performance whereby his life or his limbs are endangered.

No child below compulsory school leaving age may take part or be trained to take part in a performance of a dangerous nature.

Circus Performances

In the main the rules relating to circus performances are similar to those of performances on stage.

However, a child is allowed to give one extra performance or rehearsal. This means that the child may perform:

Two performances on school days.

Three performances on other days.

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

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

Powers of the Local Authority

With a Warrant

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

Employment is taking place;

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

Without a Warrant

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

Used as a broadcasting or film studio or

Used for the recording of any film or performance which is intended for public exhibition and make enquiries about any child taking part.

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

Useful telephone numbers

Child Employment Office **023 9220 1118**
(Portsmouth)

Social Services
Duty Team 023 9283 9111
Emergency Duty Team 084 5600 4555

Health & Safety Executive
Information Line 020 7560 6666

Police
Portsmouth 023 9283 9333
Havant 023 9283 9333
Waterlooville 023 9283 9333
Fareham 013 2923 6211
Gosport 023 9258 4666

Glossary

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