



BUCKINGHAMSHIRE COUNCIL
Children's Services

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ISSUED	ACTS/ REGULATIONS
1933	Children and Young Persons Act
1963	Children and Young Persons Act
2014	Children (Performance & Activities) (England) regulation 2014 No. 3309 (came into effect 06.02.15)
	Child performance and activities licensing legislation in England (Government guidance document)
	Examples of best practice for child performance and activities licensing by local authorities in England (sector led guidance document)

A GUIDE TO WORKING
WITH CHILDREN WHO
PERFORM

For Chaperones, Productions, Agents and
others working with children in the
Entertainment Industry

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

ALWAYS Carry your Chaperone Approval Card
at all times

CHAPERONING

What skills do I need?
 What are my responsibilities?
 Which parts of the regulations must I know?
 What are the responsibilities of the licence holder?

This brief guide was designed to answer some basic questions but there will be occasions where further clarity will be required and for this you should contact either: your chaperone licensing authority, the child's licensing authority or the Host local authority. **See table for quick reference guide for hours, times on page 15**

Chaperoning Skills and Child Protection

The law states that 'the Chaperone is acting in loco parentis and should exercise the care which a good parent might be reasonably expected to give that child'.

- The child will be working in a very 'adult' environment and you need to be able to ensure that they understand what is expected of them, taking into account their age and experience.
- You also need to take account, and be aware, of a child's concentration span, their exposure to adult conversations, expectations, peer pressure and relationships with other adults and children in the production.
- Health and safety issues on stage or on set i.e. smoking policy, electrical equipment such as: sound equipment and cameras can all be very dangerous. Children should not be allowed to 'fool around'.
- The child may not be in school but that doesn't mean the hours they are tutored are less important than those spent at school (3 hours maximum tutoring required on a school day). Be alert do not 'under or over educate'.
- You need to be able to tell when the child is ill, tired or upset. Don't disregard a child in order to meet the production's schedule. Remember, children are not 'little adults'. It can often be difficult for children to communicate their feelings in a way in which adults understand, therefore, you will be the intermediary between them and the production company.
- The concentration span of a child is far shorter than that of adults (depending on age) therefore you need the skills to be able to occupy, or enable them to occupy, their non-performance and non tutoring time which is especially important during filming

PERFORMANCE TABLE

All types of Licensed and Exempted performances

AGE	0 to 4 years	5 to 8 years	9 to 16 years
Arrival	0700 hours	0700 hours	0700 hours
Departure	2200 hours	2300 hours	2300 hours
Hrs at place	5 hours	8 hours	9 1/2 hours
Perf. hours	2 hours	3 hours	5 hours
Max Cont. Perf	1/2 hour	2 1/2 hours	2 1/2 hours
Break under 4 hrs	15 minutes	At least 1x 15 minutes	At least 1x 15 minutes
Break over 4 less than 8	Not applicable	Not applicable	1x45 minutes meal At least 1x15 minutes
Breaks 8 hrs and over	Not applicable	1 x 45 minutes meal At least 2 x 15 minutes	1 x 45 minutes meal At least 2 15 minutes
Break times given are the absolute minimum but conditions may be placed on the licence for more, dependent on child/performance			
Gap between same day performances	1 1/2 hours (morning & matinee or matinee & evening)		
Gap between end and beginning of day perf.	12 hours		
Maximum perf. days	6 consecutive days (If 8 weeks cannot perform/rehearse for further 14 days applies if licensed for more than 60 days)		
Outside performances	Can reduce 45 minute break to 30. Cannot exceed max time at place for child of that age.		
Night work	16 hour break between end of night work and any other perf. Cannot exceed max hrs for child of that age 2 consecutive days no more night work for next 7 days		
Hrs = hours Perf = performance Mins = minutes			

CONTACTS

and when on location. This may include physical activities or it may be that the child should just rest and quietly read a book.

- Different skills will be required when chaperoning in a theatre as opposed to a film set or on location. There is much more 'hanging about' time during filming and the weather may lead to the child being confined in a Winnebago or bus for quite long periods, remember their energy level is far higher than ours and the children may need more individual attention.
- Bullying you must always be aware of bullying as it can be very subtle. It may be easy to spot a physical fight or sideways kick but it's not always quite so easy to spot the odd word or joke directed, albeit innocently, towards one particular child. This sort of behaviour should be 'nipped in the bud' immediately otherwise it could affect both the child and the production.
- Has the company got a child protection policy? and a nominated contact person with child protection training or experience as a point of reference for both staff and chaperones? Ask your production contact person.
- Safe practice. All production staff, actors, cast, crew and chaperones (including dressers and makeup) should be mindful of their conduct around children. Any unnecessary physical contact should be avoided, as it could be misconstrued, either by the child themselves or by others. Be sensible, you should never leave a child alone with other adults or put yourself in a vulnerable position.

Serious child protection issues action required

- If a child discloses that he/she is being harmed in some way listen to the child, reassure them. Take seriously what they tell you: children rarely tell lies about such matters. Explain that you can't keep the information secret, but you must pass it on to others who are in a position to help to stop the abuse. Don't interrogate the child and be careful not to ask leading questions. Try to convey to the child that they are not to blame for what has happened, though at the same time avoiding criticising the abuser. Don't make promises that you can't keep, but tell the child what you are going to do.
- What else might I notice? There are many signs of abuse. For example, a child might have physical injuries for which he/she has no convincing explanation, or seem unusually fearful of adults. Children experiencing abuse show marked changes for example in their ability to concentrate or their demeanour.
- If you are concerned over a child find out, through your production contact, whether they have a nominated staff member for child protection. This person may not be present at the location but the production should have someone in

this role within their organisation. You should discuss your concerns with them without delay. If not, seek advice from First Response [01296 383962](tel:01296383962). If you believe a child to be in immediate danger contact the Police.

- Serious concerns need to be recorded. Always make a clear, written account of any Child Protection concerns you may have making sure that you identify the child giving full name, date of birth and home address. As far as possible, record the actual words used by the child. Keep this, together with any other notes you may have made, in a secure place.
- If an allegation is made against an adult, full co-operation will be sought from those in charge, the individual concerned and the licensing authority. In the case of serious allegation's it will be necessary to suspend the individual immediately until the investigation is concluded. It may also be appropriate to exclude that individual from the theatre, rehearsal room, location, film set for example, or ensure they do not have unsupervised contact with children. The child should not be removed unless the situation is such that, in the child's best interest, he/she needs or wants to be returned home.
- What should I do to make sure no false allegations are made about me? Every adult working with children on a one-to-one basis is vulnerable to accusations. Be especially careful about touching children, always seek their permission first, and never touching the chest area or the legs. Outside your chaperone role never make additional arrangements to meet a child on their own without their parents' permission, and do not exchange e-mails or text message or mobile phone numbers with them. Avoid being over-familiar, as this can easily be misinterpreted by a young person. This also applies to production staff, whether directors, producers, actors, dressers and the like.
- Finally, remember performing should be an enjoyable experience for the child and for you. Good communication and negotiating skills, be they with the child or with the variety of adults involved in the production, is vital.

CHAPERONE RESPONSIBILITIES Reg. 15

Your first responsibility is to the child in your care:

When you are chaperoning you should not be performing any other duties such as producer or crew. Remember, you are in loco parentis (in place of the parent.)

Together with the licence holder it is also your responsibility to ensure that the Regulations (and any additional conditions or proviso placed on the licence by the child's licensing authority or inspecting local authority) are upheld at all times. You may find yourself under pressure, by the production company to relax the regulations due to re-scheduling, for

Chaperone and tutor Checklist on arrival at a place of performance

- Licenses – check all children in your care have one?
 - ◆ If you cannot get sight of either a: licence (standard/open), or: unlicensed agreement (issued by child's local authority), or; body of person licence (issued by host local authority to the organisation) for each child they cannot perform and the child's local authority/host authority must be informed immediately
 - ◆ Ask your agent or the production to either give you a copy of the licence or failing that at least show you the licence/s for the child/children in your care to ensure they meet the regulations.
- Request the name of the Child Protection person on site? If there are safeguarding issues these should always be reported to the child's local authority and host local authority.
- Request a schedule/call sheet for the day. This will cover such areas as: first aider, health and safety risk assessment. Ask such questions as: anticipated meal breaks and expected time of departure.
- Always carry contact numbers for all parents whose children you are chaperoning. Production contact numbers may also be useful.
- Health and safety - do you consider the child's working environment to be safe . If not you need to take action by discussing your concerns with the production. Never allow a child to start or continue performing if you have such concerns.
 - ◆ Do you know where the Fire Exits are? Have you checked who co-ordinates an evacuation? In theatres it is always worth walking children around the theatre so they also know the exits.
 - ◆ Know where the accident and illness book is kept and ensure, if a child has an accident or illness, it is logged. It is good practice to inform the child's Local authority.
- Are you satisfied with what the child is being asked to do (language, inappropriate actions, for example)? If NO stop and discuss the matter. Don't put a child at risk. Talk with either the host local authority /Licensing local authority .

- standard licenses with the exception that a specified number of days within a 6 month period may be requested in place of specific dates. They must be for the same production, applicant and part. Exceptions (sometimes referred to as open licences) do not apply to activities or paid stills modelling or sport.
- Auditions—It is unlikely a licence is required for castings or auditions which are part of a selection process i.e. reading, acting or filmed as part of this process. But, if such a casting or audition is recorded with the intention to be included in a programme it is likely to require a licence.
- E-Safety—organisations should consider adopting phone and camera policies which control the taking of photographs particularly in the dressing rooms. Be aware of children using social media and texting each other. Bullying in different forms does occur even amongst children taking part in entertainment and chaperones need to be aware, proactive, and react immediately.
- Contact or meetings with individual children should not be undertaken alone. Special relationships gifts, rewards and favouritism should be avoided, as they are divisive and might be construed as being part of a grooming process and as such will give rise to concerns about the adult's behaviour.
- With the increase in use of social media it is important to avoid any direct contact with the children in your care using internet and social networking sites. Do not accept any child as a 'friend' on these sites as this can, and has, been misconstrued. Contact with children should always be done through their parents.
- Production staff and chaperones in particular often experience anxiety about how to deal with parents where child abuse is suspected, this is a particularly sensitive issue for some chaperones who may know the family socially. It is helpful to issue all parents with some written guidance outlining the duty to refer child protection concerns and to uphold the welfare of the child as the paramount consideration.

**For more comprehensive information see Children in Entertainment November 2015 "Recognising Child Abuse".
Copies are available on Buckinghamshire Council website**

example; but you must remember that your first duty is to the care of the child. Having a good knowledge of the regulations; knowing where to go for help and advice; coupled with firm negotiating skills and gained experience, are all crucial elements to successful chaperoning.

Remember if 'things aren't right' and you object to something the production is asking of the child, you are not 'creating a fuss'. The reasons and expectations behind your local authority issuing you with a chaperone approval is in order to care and protect the child in the adult world of performing. If the production are paying you, you may fear that if you object the 'company' will not employ you again? We are aware that this can be a real fear but it should, on no account, override your main responsibility, which is to the child/children in your care - not the production. You have a duty to report any incidents to your child's Local authority and/or the host local authority to enable them to follow-up with production if situations cannot be resolved appropriately. We will back you up, but we need to know what the concerns are.

1. You should be with the child at all times whether: on set, stage, dressing rooms, recreation, meal and break areas. You are the key person to whom the child looks for protection, clarification and support – you are an important part to the child's happy performing experience. If the facilities are 'wanting' you should negotiate better facilities with the production. Children are not 'add on's' to a production their care is paramount at all times.
2. The law states that the maximum number of children in your care should not exceed 12. In a lot of instances 12 may be far too high if there are children of different ages and sexes for example; especially if the children are living away from home, as they would need more individual attention. These factors should be taken into account when deciding on the number of children you agree to chaperone. Always clarify these things with the production (or your agent) prior to accepting a position as a chaperone.
3. Although a maximum length of time for travelling is not laid down in the Regulations, due consideration should be given to the child's: age, the length of time at the place of performance and the duration of the production. The production company must ensure that suitable arrangements are made to get the child home or to any other destination after the last performance or rehearsal or the conclusion of any activity on any day. Therefore, taking into account the child's welfare, it may be more sensible for a production company to provide accommodation nearer to where the performance is taking place rather than travelling several hours each day or every other day and attending school in between. Remember, schedules can be amended if they are not working satisfactorily. If the travelling is proving a problem for the child you should raise

this with production and agree accommodation in a hotel or B and B. The child's licensing local authority must be informed of such changes. Buckinghamshire Council does not permit children to travel alone to or from performances without either the parent or the chaperone being with them. The Production driver, even if they hold a DBS, should not be transporting the child without the parent or chaperone present. Regulation 18/16.

4. ill or is injured while in your care medical assistance must be gained and the parent/guardian and licensing local authority informed immediately. Always have a contact number for parents. Any illness or injury must be reported and logged with production and kept with their records.
5. Dangerous performances - These must be authorised before a licence is issued. If you think a performance is dangerous or not stated on the child's licence STOP, THINK, CONSULT with production and their health and safety officer. If you believe what is being asked of the child is still unacceptable the stop performance until you are satisfied or further advice is sought. The child's safety is paramount. It may help to talk to the local authority in whose area the performance is taking place, the local environmental health or the theatre/studio
6. illness or injury – at no time should a child perform when unwell. If a child falls Health and safety officer; and of course the child's local authority. The production will know who these people are and will have their contact numbers.
7. The child's licence should be available at the place of performance (or any place of rehearsal) to an authorised officer of the Host Local authority or a constable. They should not be at head office or base but the physical place where the child is performing. Schedule 3.
8. Recording - productions often delegate this task to chaperones (and if the child is being tutored to the tutor for educational hours) but production should collect them from you daily so they are always available to the local authority.

Note: Always see and read the child's licence as there maybe provisos/conditions on the licence which you, as chaperone, would need to be aware of.

- **Granting licences** - local authorities may request whatever information they feel appropriate for the purpose of deciding whether to grant a licence in the interests of the child's; health, education and wellbeing. A local authority may also, in particular, make enquiries and/or put conditions on a licence which they think necessary to enable them to decide whether the licence should be granted.
- **Dangerous performances** (productions should always consult with Licensing local authority). No person under 12 may be trained to take part in 'performances of a dangerous nature' S.24. A person aged 12 to 16 (child under compulsory school leaving age) may be trained to take part in dangerous performances under certain circumstances S.30. Checks may be required/arranged by the local authority a prior to agreement that a performance of this nature may take place. This may involve environmental health and health and safety department inspections coupled with specific child risk assessments if felt appropriate by the local authority.
- **Non-UK children working in this country** - applications should be made to the local authority in whose area the applicant lives or has his place of business S.37(1), or where the child is resident during the period of a performance. All non-UK children are required to be licensed to perform in the UK by a UK local authority. They may also need to be licensed in their own country as well (productions need to check this). If they come from an EU country they do not need an immigration work permit. If they come from outside the EU they do! They cannot perform on a 'holiday visa' or temporary working arrangements.
- **UK children performing outside the UK** must be licensed to do so through a Magistrates Court S.25/26. NOTE: Eire, Northern Ireland, Chanel Islands, Isle of Man are within the UK therefore not treated as 'abroad' although those areas may also wish to issue a licence for the English, Scottish, Irish or Welsh child performing in their locality.
- **Exemptions (unlicensed performances)** - A child of any age may take part in unlicensed performances up to 4 days in any period of 6 months, subject to compliance with the hours of work, rest and meals prescribed in the regulations. This exemption does not apply if a child is paid or performs during a day on which they should be in school. This exemption applies to both amateur and professional productions. In order to establish if the child meets this requirement contact must be made with the child's local authority to ensure the regulations are not contravened.

Standard and open Licences (refer to regulation for requirements). Open Licences (as they are often referred to) require the same information as

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smoking policy on and off the set; fire regulations/certificate; first aid contact person. All staff, chaperones and children should be made fully aware of evacuation procedures. If you are not advised of these 'ask' you can contact the relevant environmental health department for further details on health and safety, Management of health and safety at work act 1999. See back details for Pinewood and Shepperton Studios.

Key Points

- Productions to ensure all adults are briefed when children are performing i.e. manner, contact and so forth
- Productions to take account of child's age and experience
- Productions to ensure suitable travel arrangements are provided
- Productions to ensure suitable accommodation and sanitary provision is provided
- Productions to ensure meal, rest, recreational and educational facilities are provided

IMPORTANT NOTE: Length of time at place of performance applies to the time the child physically arrives and leaves the place of performance. If arrangements have been made to arrive for breakfast, getting into costume, dinner at the end/beginning of the day. This must be Included within the allotted hours 'for a child of that age'. It is not when there's a wrap.

- Productions to ensure adequate protection against inclement weather is provided

Further points to consider

- The production company have a responsibility to promote and safeguard the welfare of the children in their care .
- The local authority, in licensing children and chaperones, also has a duty under the Children and Young Persons Acts 1933 and 1963 and the Children Act 2004 to promote and safeguard the welfare of children.
- Does the company/production, as the employer, have a Child Protection Policy and nominated person with child protection training or experience as a point of reference and who can assist in making a referral to the relevant local authority for the area where the performance is taking place? All those working with children are obliged to have such a policy.
- Inspections - an authorised officer of the host local authority in whose area a performance takes place may at any time enter any place where a performance, licensed or unlicensed, to which S.37 applies and make enquiries about any child they suspect of taking part in a performance.

ALL PERFORMANCES

- **Rehearsals** - The Act applies to performances, but not to rehearsals. Rehearsals are however affected by the Regulations. If they take place during the currency of a licence (between first and last performing day) they are subject to the same restrictions and conditions applicable to that licence i.e. time at place of performance, performing times, and so forth.
- **Education** (Regulation 10) a child must be educated on all school days which he/she would normally be expected to attend school. Not less than 3 hours per day (minimum tutor time 30 minutes) between the hours at which the child is permitted at the place of performance; though it is not recommend tutoring into the evening or night (productions should contact child's local authority to discuss this first). Education must take place within the maximum hours permitted at the place of performance (not in addition) for the child's age. See aggregating hours, below.
- **Tutors** a tutor may only teach a maximum of 6 children of differing levels at the same time. If the children are at the same level they may teach up to a 12 children. Therefore, if you are concerned that the ratio is wrong/not working out check with the child's licensing local authority. Tutors should liaise closely with the child's school, especially where long absences from school are scheduled. Again if you are a chaperone or tutor and have any concerns about tutoring contact the licensing or host local authority.
- **Exceptions** If the chaperone is satisfied that serious dislocation of schedules (outside the control of the production and not planned for in their schedule) resulted in the child being requested to work beyond the allotted time stated on the licence and the chaperone is also satisfied that the child's welfare would not suffer, the chaperone may permit the child to continue for a further one hour. This is providing that the total performance time is not exceed for a child of that age. When any such exception is made it is the chaperones responsibility to notify the child's Licensing Local authority and Host local authority on the day or the following day the decisions to make an exception was made.
- **Education aggregating hours** educational hours may be aggregated during each complete period of 4 weeks (or performance periods exceeding 1 week) as long as the child receives not less than 6 hours tuition per week and for not more than 5 hours per day during the permitted time allowed for a child of that age to be present at a place of performance e.g. 5 school day performing: **3 hours x 5 days = 15 hours x 4 weeks = 60 hours tuition required over 4 week period.** Children should not be allowed to lose educational hours due to long productions/heavy

scheduling. Children should not be educated at weekends or during school holidays, only on days in which they would normally be at school.

Productions and tutors should be mindful of losing and exceeding education hours. The daily hours should never be lost or exceeded in order to try and 'catch up' towards the end of a run when aggregating hours as this can often result in an excessive amount of education being imposed on the child (or lost) due to bad production scheduling. All should be mindful of the child's welfare and education. Productions don't ask adults to perform, rehearse, dress/make-up, travel, plus intense hours of education, so why expect children to?

Night work (indoors or out) - this is a change from the 1968 Regs.

Local authorities may also allow working after the latest and earliest time at which a child is permitted at the place of performance ONLY if they are satisfied that it is impracticable to complete the work after and before these prescribed times. This may now include legitimate access to venues but not just for the production's convenience. Any performing which takes place after midnight counts as part of the performing time allowed on the previous day. The child must also have a break of at least 16 hours before he/she returns to the place of performance after night work and if he/she does night work on 2 consecutive nights he/she cannot do any further night work for at least another week (7 days).

Night work must be agreed in advance and the local authority is not bound to permit night work even if they are satisfied that the child's appearance is necessary if it may cause any harm to the child's welfare, health or education. Hours outside those permitted for a child of that age would be considered as night work. This now applies to

REGULATIONS 1968 & related Statutory Instruments have only been revoked in England have only been revoked in England.

all types of performance i.e. broadcast and non-broadcast.

A child resident in England will be licensed under the 2014 regulation and will perform under that regulation even if they are working in localities outside England but within other parts of the UK.

Wales, Scotland, Ireland regulations are different to the English regulations. Check with these regions first.

Reasons - The move towards the 2014 (England) regulation would have to go through (be agreed) by the other non-English UK parliaments (when and if they so wish).

LICENCE HOLDER (APPLICANT) RESPONSIBILITIES

Section 37(1) " a child shall not take part in a performance in connection where a charge (admission or otherwise) or in licensed premises except under the authority of a licence ...otherwise sport or as a model where payment in respect of his/her doing so (except defraying expenses) is made to him or any other person". Note: amateur groups, musical performances, student productions or films are not exempt from the requirements just because no payment is made. Education Act 1996 'child' a person who is not over compulsory school age. Performances to which Act applies see S.37 subsection (2). Performances for which a Licence is not required (4 day rule) or arranged by a school (child's academic education) i.e. not dance schools and the like, S.37(3). Offences – contraventions to S.37 summary conviction Level 3 (Children & Young Person Act 1963, s.40 as amended by the Criminal Justice Act 1982, ss 38 & 46)

- Productions must ensure a completed licence application form (Schedule 1 & II plus attachments) is sent to Buckinghamshire Council or if the child does not live in the Buckinghamshire Council local authority area the local authority where the child lives, at least 21 days before the first performance date (though this time frame may vary between local authorities (Buckinghamshire. 10 days). A child cannot legally perform unless the applicant is in receipt of the licence. "Person responsible for the production of the performance in which the child takes part" - this does not include recruitment agent/agency or anyone who is not producing the production" Whoever signs the application is legally 'the applicant'.

Note: 2014 Application form Part 1 & 2 plus photo, birth certificate and school letter for each child (signed by both applicant and parent) must be submitted to Buckinghamshire local authority for every performance, preferably by email. A copy of the licence is sent to the: applicant (production), parent, school and agent. The Production must hold a copy of the licence at the place of performance on all occasions. Copies just at head office is not sufficient.

Records - chaperones and tutors may be delegated the day to day completion of record sheets it is ultimately the production's responsible to hold such records at the end of each day. Once the child's performance is complete these records are to be held by the licence holder (applicant) for a minimum period of 6 months at the address given on the licence application (if the licence states the temporary address of the production at a studio, for example, then the production needs to inform the child's licensing local authority where such records will be stored up to the 6 months post performance.

Productions must ensure that a health and safety 'risk assessment' (which should include that a child is performing) has been undertaken at the place of performance:-