



Juvenile Employment

**Children in Entertainment
Guidance Notes for Licensing**

INFORMATION FOR LICENCE HOLDERS

- The Children and Young Persons Act 1933
- The Children and Young Persons Act 1963
- The Children (Performances) Regulations 1968
- The Children (Performances at Work) Regulations 1998
- The Children (Performances) (Amendment) Regulations 2000

Introduction

Under the Children and Young Persons Acts listed on sheet 1, children who take part in licensed performances must be supervised by a responsible adult known as a matron/chaperone. A chaperone may be of either sex but in Regulations they are referred to as a 'Matron', similarly the child is referred to as 'he'. The matron is in loco parentis and should exercise the care which a good parent might be reasonably expected to give that child. For the purposes of this document they will be referred to as a chaperone.

Legislation

The legislation below relates to:

- Children in Entertainment – Performing on Stage or in Television, Film, Commercial etc
- Children working in paid/professional sport
- Children working as models

Note these are merged regulations and is not a definite document and does not in any way take the place of the original statutory documents. These are to assist in the interpretation of legislation and completion of licence application forms

Legislation is often difficult to interpret, even by the legal profession. It will not therefore come as a surprise, that some of this section of the document may be a little more difficult to understand

It is for this reason we are only dealing with matters that are regularly raised by the Local Education Authority staff as well as licence holders and **is not a complete and comprehensive document**

However, acts of statute and regulations are constantly examined and from time to time reviewed. These are known as amendments and are issued by The Home Office through what is known as a Statutory Instrument.

This may sound complicated, but in simple terms it is an update of old legislation.

These are amendments to legislation, which reflect changes in today's society.

The legislation requires that a licensing system regulating the participation in a performance of any child, from birth until they cease to be of compulsory school age, be administered by the local authority in which the child lives.

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.

A child, for the benefit of the legislation and these guidance notes, is anyone below compulsory school leaving age.

Chaperones

It is a legal requirement that children engaged in public performances or entertainment under a licence issued by the local authority, must be supervised by a chaperone approved by a

Local Authority, unless they are in the care of either their parent (A parent cannot supervise any other child but their own) or agreed tutor. 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. The local authority considers them to have a very important role.

It is essential that chaperones are properly advised and understand their duties and responsibilities due to the varying nature of their role.

A chaperone's first duty is to look after the children in their car 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.

Chaperones have the responsibility of care for children in entertainment and the nature of a chaperones role is that s/he is in a position of trust regarding those children. Abuse of a position of trust in respect of young persons 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 inducing a child to engage in sexual activity or watch a sexual act.

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.

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 or staff and the licensing authority.

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

The law states that the maximum number of children an individual chaperone may supervise of twelve. However, the local authority may consider that due 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 effectively supervise a smaller number.

Boys and girls from the age of 5 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.

The chaperones sole concern must be to protect the health, safety, moral welfare and education, whilst ensuring the kind treatment, of each and every child in their care. 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 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. Emergency contact numbers should be available. Any significant incident or accident must be fully recorded. Parent and the local authority must be informed at the earliest opportunity. The records must be available for examination on request. Examples of suggested forms are listed at the end of this document.

A child should not be allowed to perform when unwell; the chaperone must put the needs of the child first. They have 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.

The chaperones are required to ensure the travel arrangement provided by the company is suitable and are in place for the children in their care.

The local authority 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 and to rescind the chaperon's approval, or both.

Performances which require a licence

There is often concern expressed by prospective licence holders, normally producers, as to what performances require a licence and which ones do not.

The following passages address these issues on a general basis. There will always be the odd set of circumstances which need to be examined separately.

What Sort of performance require a Licence

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
- Sport (paid for)
- Modelling (modelling work which involves filming or a live fashion parade would constitute a performance and should therefore be licensed as such. Still photography also requires a licence.

What sort of performance DOES NOT need a licence

- If a child does not perform on more than four school days in any period of six months (**providing that there is no absence from school**)
- For performances organised by school
- Performances put on by a body of persons approved by the Secretary of State (Home Office) or in the Local Education Authority in connection with which no payments has been made to the child **or any other person** (This could include amateur productions, drama societies, churches, scouts and other youth organisations).
- Any activity which the Local Education 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 reviewed and converted into 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.**

The person who signs the licence application will be deemed to be the licence holder. The application must be made to the Local Education Authority at least twenty-one days before the first performance otherwise the Local Education Authority may return the application.

Process and Licence Application

A licence is granted by the Local Education Authority where the child lives (this may not necessarily be the same Local Education Authority as the child's school).

The applicant completes and signs Part 1 of an official application form and the parent then completes and signs Part 2. This form is then sent to the Local Education Authority with the following items attached:

- Proof of the child's date of birth (photocopy of birth certificate)
- Two identical uncounted passport sized photographs of the child
- A copy of the child's contract
- A declaration of the nature of the performance if the child is under fourteen years of age
- A medical certificate (essential for Broadcast performances)

Should the child live outside the U.K. the Local Education Authority in whose area the applicant resides or has his place of business will issue the licence.

Licence Details

The licence will show the following information:

- Details of the child
- Photograph of the child
- Identity of the licence holder

- Name and nature of the performance
- Place of the performance
- Dates of performances or, in the case of 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 Education Authority, these could include permitted hours, transport and chaperoning arrangement, sums earned and education.

A licence will not be granted unless the Local Education Authority is satisfied that the child is fit to take part in a performance, that his/her education will not suffer and that proper supervision has been made to secure the child's health, comfort and kind treatment.

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 a registered chaperone care them for. It is the responsibility of the licence holder to ensure that there is the appropriate number of required chaperones are on duty at each performance and that they are providing the supervision required by law.

(See Chaperone requirements on page 4)

Requirements 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 (schedule on following page)

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

- The licence
- The following particulars in respect of 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 each period during which the child took part in a performance/rehearsal
 - 4 the time of each rest interval
 - 5 the time of each meal interval
 - 6 the time of any night work authorised by the Local Education Authority under Regulation 30 of the Children (Performances) Regulations 1968
- Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
- Details of injuries and illnesses (if any) suffered by the child at the place of performance, 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 medical examinations (if any) of the child carried out under Regulation 17 of the Children (Performances) Regulations 1968.
- The dates of the breaks in performances required under Regulation 16 of Children (Performances) Regulations 1968
- The amount of all sums earned by the child by reason of taking part in the performances and the names, addresses and description of the persons to whom such sums were paid
- Where the licensing authority grant a licence subject to the condition that sums earned by the child shall be dealt with in a manner approved by them, the amount of the sums and the manner in which they have been dealt with.

The Local Education 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

In order to ensure that a child is fit to take part in a performance the Local Education Authority has discretion to require a child to be medically examined if they think this is necessary. Medical examinations may be conducted by child's family Medical Practitioner or one approved by the Authority covering the area in which the child lives.

Medical examinations are compulsory for:

- Film or television work
 - Performance 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 for more than four weeks
- Once obtained medical clearance lasts for a period of six months.

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 a doctor should be called and the licence holder must inform the parent and the Local Education Authority as soon as possible.

Absence from School

Under the provision of Regulation 11 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 Education 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 Education Authority 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 authority insists 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 Education 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 any one time unless they have all reached a similar standard and in this case the teacher may teach twelve children
- The school room must be approved by the Local Education Authority
- The child should be taught for at least three hours on each day that she/he would normally be required to attend school.

Venues – Performance or Rehearsal

- The Local Education Authority has an obligation towards all children that the premises where either a performance or rehearsal is to take place meet certain criteria. Therefore the Local Education Authority will approve a place of performance or rehearsal only if they are satisfied that:
 - Suitable arrangements have been made for meals, rest and recreation
 - The premises are 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.(must not change with adults at any time, or for any reason, even if only one child performing)

Children Staying Away from Home

The Local Education Authority has to ensure the comfort of a child who is required to stay away from home as a result of their performance(s). Therefore the child may only stay in a place approved by the Local Education authority for the area in which she/he 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 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 home, or other destination, after the last performance rehearsal on each day by parent's car, other transport, taxi or television minibus.

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 fully advised of all arrangements of children in their care.

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.

There are now no restrictions as to the number of days performed in a six month period.

Broadcast or Recording 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.

A Daily Regime has been created to give you 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 10.00a.m. and 10.00p.m. However, this exception only applies to the British Broadcasting Company and the independent Television Authority.

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

Permitted Hours of Performance

Hours differ to those permitted for stage performances compared to those in relation to broadcast or recorded performances.

Stage Performances

- Earliest and latest times:
 1. 10 a.m. - 10 p.m. if aged under thirteen years
 2. 10 a.m. – 10.30 p.m. if aged thirteen years and over.
 3. The latest time may be extended by half an hour but not on more than eight evenings in four consecutive weeks and even then not on more than three evenings in any one-week.
- A child must not take part in a performance that lasts more than three and a half hours
- A child's part or total appearance must not exceed two and a half hours
- A child must not appear in more than two performances or one performance and one rehearsal in one 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 forty five minutes on two days in a week providing the child is not at the same place of performance for more than six hours).
- A child must only appear on one performance or rehearsal on any day that he attends school for the whole day.
- If a child has taken part in a performance or rehearsal on the previous day there must be a break of at least fourteen hours before he is again present at such a place.

For example if a technical rehearsal continued until 10.30 that night a thirteen year old must not attend for a dress rehearsal until at least 12.30 p.m. the following day.

Performances permitted hours and days (not including Broadcast)

| | | |
|---|---|--|
| Performances per day | 2 per day | 1 performance and 1 rehearsal OR 2 performances |
| Performances per week Performance per week (broadcast) | Max 6 days per 7 day week Max 5 days per 7 day week | Max 8 consecutive weeks require a 2 week interval before performing again in same production |
| Time gap between performances | 14 hrs elapse between the end of the previous days performance and the beg of the next days performance | |
| Performance time | Max 3hrs 30 mins | Including breaks |
| Appearance in performance | Max 2 hrs 30 mins | Aggregated |
| Intervals | 1 ½ hours minimum | Between 2 performances OR 1 performance and 1 rehearsal |
| Exception to intervals | On not more than 2 days min of 45 mins interval between performance and rehearsals. Max 6 hrs at place of performance | |
| School days | If attending school in the morning | 1 performance OR 1 rehearsal ONLY |
| Performance Hours Age 12 and under | Earliest arrival 10 a.m. Latest departure 10. p.m. Exception 10.30 p.m. | |
| Performance Hours Age 13 and over | Earliest arrival 10. a.m. Latest departure 10.30 Exception 11.00 p.m. | |
| Exception | Not later than 11 p.m. on not more than 3 evenings per week, provided hat he is not present on more than 8 evening in a period of 4 consecutive weeks | |
| Medical 1 | YES if period longer than 1 week | Performing over 6 consecutive days |
| Medical 2 | NO period less than 1 week | Performing under 6 consecutive days |
| Arrangement for getting home | Applicant shall ensure that suitable arrangement are made for the children to get home or other destination after last performance or rehearsal | |

Daily Regime of children taking part in Broadcast and Recorded Performances

| Age of child | Maximum number of hour permitted at place of performance or rehearsal | Earliest and latest permitted times at that place | Maximum period of continuous performance or rehearsal | Maximum number of hours performance or rehearsal | Minimum intervals for meals and rest | Minimum number of hour education on school days if being privately taught |
|-------------------------------------|---|---|---|--|--|---|
| 9 years and over | 9 ½ hours | 7.00am - 7.00pm | 1 hour | 3 1/2 hours | If present at the place of performance or rehearsal for more than 4 consecutive hours – 2, one of which must be at least 1 hour, and the other fifteen minutes. If present at the place of performance or rehearsal for more than 9 ½ consecutive hours – 3, two of which must be at least 1 hour and the others at least fifteen minutes | 3 hours (15 per week) or 6 hours per school week with remainder taught on non- school days providing no more than 5 hours either day. |
| Over 5 but under 9 years (5-8yr) | 7 ½ hours | 9.00am - 4.30 p.m. | 45 mins | 3 hours | If present at the place of performance or rehearsal for more than 3 ½ consecutive hours – 2, one of which must be at least 1 hour and the other fifteen minutes. If present at the place of performance or rehearsal for more than 9 ½ consecutive hours – 3, two of which must be at least 1 hour and the others at least fifteen minutes. | 3 hours (15 per week) or 6 hours per school week with remainder taught on non-school days, providing no more than 5 hours either day. |
| Under 5 years 2-4yrs) | 5 hours | 9.30am – 4.30pm | 30 minutes | 2 hours | Any time during which the child is not taking part in a performance or rehearsal must be used for meals, rest and recreation. | Not applicable |
| Under 2 yrs | 3 hours | 9.30-4p.m. | 20 mins | 1 hour | Any time during which the child is not taking part in a performance or rehearsal must be used for meals, rest and recreation. | Not applicable |

Night Work in Broadcasts or Recorded Performances

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

Work after Midnight

If work starts after midnight or cannot be completed before midnight the Local Education Authority may grant a licence only

- If they are satisfied it is impractical to complete the work before then
- Work may be done in a studio if the weather does not permit outside work

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

- Hours after midnight count as part of performing time allowed on the previous day, before the child starts work again
- If the child works on two consecutive nights they may **not** do any more night work for at least another week

Restrictions to 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 two conditions apply:

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

Dangerous performances

Naturally, the extents of which a child may be involved in dangerous performances are extremely limited.

The question that needs to be asked is what constitutes a 'dangerous performance'. This is often seen as a difficult area but, it has been agreed that

- A performance of a dangerous nature includes all acrobatic performances and performances as a contortionist.

In addition the regulations state:

- No child under twelve years may be trained in such work
- A child who has attained the age of twelve may be so trained under a licence issued by the Local Education Authority of the area in which the training is to take place (or any one area if more than one Local Education Authority is involved). Subject to conditions which may be imposed.
- The police of the area must be given seven days notice of the intention to apply, and may oppose the grant.

Performances Abroad

Performances by a child in another country are by definition difficult for the Local Education Authority to monitor. As a result the law is quite prescriptive. It states that no child is permitted to go abroad (i.e. outside Great Britain or Northern Ireland) for the purpose of

- Singing
- Playing
- Performing
- Taking part in any broadcast or recording to be used in a film for public exhibition.

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.

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 he is satisfied that notice has been properly given.

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

Powers of the Local Authority

With a Warrant

An Officer of the Local Education 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

Without a Warrant

An Officer of the Local Education 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 made 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 & 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 Education Authority.

Juvenile Employment Officer
Education Welfare Service
Chestnut House
Warren Crescent
Shirley Warren
Southampton
SO16 6AY

Tele; 02380 833275

INJURY/ILLNESS 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 in the space below.

Name of production.....

Signedchaperone in charge

Date

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