

The welfare of the child is “paramount”
1989 Children’s Act

Section 1. Introduction and background

For some considerable time, nationally, organisations and individuals have raised concerns with a range of issues concerning the implementation of legislation for children who perform.

Suffolk County Council’s Education Attendance Service has a small dedicated Child Employment Team whose responsibilities are the administering of:

- The regulations surrounding the part time employment of children from the age of 13 years until the end of their compulsory education;(13-16+ years) and
- The regulations concerning children who are involved in entertainment from birth until the end of their compulsory education.(0-16+ years)

The Team work to develop and maintain strong working relationships with those concerned with all issues of child employment.

Section 2. Legislation, definitions and licensing

The following is a list of the legislation and regulations that govern **children in entertainment**:

- Children & Young Persons Act 1933 & 1963
- Children (Performances) Regulations 1968
- The Children (Performance)(Miscellaneous Amendments) Regulations 1998(1)
- The Children (Performance)Amendment Regulations 2000
- The Children (Performance)(Amendment)(No.2) Regulations 2000
- Statutory Instruments: 1968 No.1728,1998 No.1678, 2000 No.10, & No.2384

Definition of a child

For the purposes of children in entertainment a child is a person aged from birth until the end of their compulsory schooling. (The last Friday in June of School Year 11)

The requirement to licence:

Children

The above legislation requires licences to be issued by each Local Authority (LA) for: children who take part in one of the following categories:

- **Broadcast performances that cover:** films, TV, video – all performances that will be broadcast;
- **Non-broadcast performances that cover:** theatre, modelling, sport (activities), that are not broadcast.

Section 37(3)(b) of the Children and Young Persons Act 1963 does not require a child to be licensed if:

“(b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1996 or the Education (Scotland) Act 1962).....”

Exemptions

The legislation and regulations enable some exemptions for the need to licence individual children who take part in entertainment.

Children are required to be licensed in one of three ways:

- An individual licence for each child;
- As a member of a **Body of Persons** licence;
- Or the licensing authority agreeing to the **four day rule** being applied.

To ensure that your society applies for the correct form of licence advice should be sought from the local licensing authority before an application is made. For County of Suffolk it is Suffolk County Council who is the licensing authority. The Contact details are shown in various sections of this *good practice* document.

Chaperones

There is a requirement for children taking part in a production to be chaperoned.

This can either be by the individual child's parent(s) or a licensed chaperone being engaged by the production company/producer.

The LEA will licence an adult (18+) as a chaperone subject to various checks being carried out (see Section 8 of Good Practice)

There is a legislative requirement for children to be licensed to perform in a production unless an exemption applies. (see Section 3 of Good Practice.)

Children who take part in a rehearsal are not required to be licensed. However, taking part in a rehearsal during the life of a licence to perform may, in special circumstances, affect the number of days on which a child can perform (see Section 6 of Good Practice)

During rehearsals or group meeting sessions there is no legislative requirements to have licensed chaperones in attendance.

In terms of *good practice* it is suggested that those adult helpers present on such occasions are encouraged to become licensed chaperones, to enable groups and societies to inform parents that the helpers have a Criminal Record Enhanced Disclosure and a Chaperone Licence from the licensing authority. There are other advantages in having adult helpers to apply for chaperone licences (see Section 5 of Good Practice)

Section 3. Exemptions

Suffolk County Council
Education Attendance Service – Child Employment Team

Children and Young Persons Act 1963 The children (Performances)
Regulations 1968

Performances where an individual child does not need a licence

Mainstream schools do not have to licence children taking part in productions organised by the school.

The above Act and Regulations enables two further categories of exemptions to be used by LA's whereby individual children do not need a licence. They are:

- The four day rule; and
- A Body of Persons.

The Child Employment Officer of Suffolk County Council promotes and enables voluntary and professional groups to use the above exemptions where appropriate. Where these exemptions are not applicable, applications for individual one off licences are available on request from the Child Employment Office, address over leaf.

It is also important to state that if there are queries or a further explanation is required the Child Employment Officers are pleased to help.

Sections 4 and 5 of this Good Practice pack illustrates the requirements of the legislation to allow each exemption to be used.

Further advice and information can be sought from:

Education Attendance Service
Child Employment Team
St Edmund House
Rope Walk
Ipswich IP4 1LZ

Telephone 01473 584772

Fax 01473 584816

Internet www.suffolkcc.gov.uk

Section 4. The four day rule

The Children and Young Persons Act 1963 The Children (Performances) Regulations 1968

“The Act and the Regulations constitute a comprehensive code, governing the circumstances in which children under the upper limit of compulsory school age may take part in performances of all kinds, and containing safeguards for the children.”

The Act and Regulations identifies performances where an individual child does not need to be licensed:

The four day rule

This exemption can be considered for use by both professional and amateur companies. A licence is not required for a child if:

- They perform for only 4 days in any 6 month period; and
- They do not need time off from school to undertake the performance; and
- They do not receive any payment with the exception of out of pocket expenses.

If they take part in a performance for school (this is the educational school not a full time drama school or a full time school of dance) a licence is not needed as this is seen as part of their compulsory education.

- Children who are exempt from needing a licence are still subject to Regulation 21, 22, 33 and 34.
- Section 7 of this Good Practice pack illustrates the requirements of Regulation 21, 22, 33 and 34.

It should be noted:

- That where children do not need to be licensed they are still subject to certain restrictions and the LEA has a duty to monitor the work these children are undertaking;
- A production that has children performing under the 4 day rule remains subject to inspection by the Child Employment Team.

Accidents and Insurance Claims

Producers may wish to check with their insurance companies that in the event of a child being involved in an accident with the need to consequently claim against the organisations' liability insurance and if that child is performing outside of the regulations (illegally) would the liability still be covered by the insurance company?

Section 5. Body of Persons Licence

Background

The children & Young Persons Act 1963 gives local authorities under Section 37(3)(b) the power to issue a licence to a Body of Persons e.g. a group of responsible adults – youth organisations, amateur dramatics, etc.(but not professional companies) to enable them to engage children in *non broadcast* and *recorded* performances without the need to apply for a separate licences for each child for each production.

The Body of Persons must then provide the Local Authority with the following information in advance:

- The names, addresses and dates of birth of all the young people who will be performing;
- The venue and dates of performances;
- The names and addresses of the adults forming the Body of Persons.

Applicants should apply for this licence not less than 10 working days prior to the first performance provided they can meet the following criteria.

- The child performers concerned receive no payment (except expenses);
- For the purposes of this document performances are solely within the jurisdiction of area covered by Suffolk County Council's;
- The child performers are supervised by chaperones on a basis of a minimum of 1 chaperone to 12 young people (see Body of Persons Chaperones);
- The body of Persons ensures that young people only appear on stage within the time restrictions currently in force.
- The Child Employment Office agrees that the rehearsal/performance venue(s) are suitable places for young people to perform;
- Performances do not take place during compulsory school time;

- The Body of Persons ensure that arrangements are made to transport young performers to and from the venue;
- The Body of Persons does not use young people in performances that may be dangerous.

The holders of the licence must ensure that they keep records of each young person's performance as required by Schedule 3 Children and Young Persons, The Children (Performances) Regulations 1968.

Approval can only be granted for young people who perform solely for the holder(s) of the Body of Persons Licence.

The Applicant

The chair person or secretary of each society is normally the person who applies for the Body of Persons Licence and must complete an appropriate application form available from the address on the last page.

The Application

The application must be made on the appropriate application form. The application form asks for details of the society/company that is running the production together with details of the performance dates, times and venue. The licence applicant must also provide a list of the names and addresses of the children taking part in the performance.

Medicals are not required for each child, but the licence applicant must declare on the form that the young people are fit and healthy and will not suffer as a result of them having taken part in the performance/s.

The applicant must also provide the names and addresses of the adults who are to be named as part of the Body of Persons.

Suffolk County Council grants a Body of Persons licence on a strictly *Production* basis, however the right is reserved to withdraw a licence if it is felt the above conditions are not being met.

Body of Persons chaperones

The Protection of Children Act 1999 places a duty on *child care organisations* that form the regulated sector, not to employ or to cease to employ people if their name appears on the Protection of Children Act (POCA) list and the DCSF list 99, and that each person in a *child care position* will be vetted through the new Criminal Record Bureau.

Suffolk County Council's Child Employment Team believes that organisations that offer children the opportunity to take part in amateur entertainment productions such as amateur dramatics etc. come under a heading of Other Organisations as defined in a publication produced by the Department of Health *The Protection of Children Act 1999 – A practical guide to the Act for all Organisations Working with Children*.

Whilst the provisions of the Protection of Children Act 1999 are not mandatory for these organisations it is the government's hope that they will take full advantage of the scheme to its fullest extent so as to ensure that they provide a comparable level of safety to children in their care as that afforded within the regulated child care sector.

Suffolk County Council advises under *good practice* values that all Body of Persons adults have a Criminal Records Bureau (CRB) enhanced disclosure and a valid Chaperone Licence.

Chaperone licensing

It is not a statutory requirement that Body of Persons adults are licensed as chaperones, but Suffolk County Council under the heading of *good practice* encourages all groups to apply for individual chaperone licenses for their adults.

Each organisation can submit a list of their registered chaperones with each Body of Persons application, indicating the production in which each person will become a member of the Body of Persons.

Section 6. Body of Persons licence – do's and don'ts

The following relates to children who are part of a Body of Persons licence which is only applicable to amateur dramatic productions.

Payment

Children must not receive payment for any performance, except for out of pocket expenses.

Education

Children who are part of a Body of Persons are not individually licensed therefore they are not allowed to take time off from their education for a performance. For this reason, no child must perform or rehearse at a time when they should be in school.

Place of performance

The place of performance is defined as the area backstage that includes the stage, wings, dressing rooms and green room.
All performances must be within the jurisdiction of the Suffolk County Council.

Supervision

All children must be chaperoned by their own parent/s, a licensed chaperone or by an adult named on the 'Body of Persons Licence' with a regulatory requirement of a ratio of 1 adult to 12 children. Whilst this is the legal basis, good practice would suggest 2 chaperones to 12 is a better practice. Good practice recommends that a male and a female chaperone is available to enable gender issues to be accommodated as well as allowing for continued supervision of the children should it be necessary for a chaperone to deal with individual issues when they arise.

NB. Unless the parent is a licensed chaperone they cannot chaperone other children.

Number of performances

A child cannot take part in a rehearsal or a performance on more than 6 days in any period of 7 days (note that in this context rehearsal is defined as one taking place during the life of the licence).

If in the life of a Body of Persons Licence a child is additionally called upon to take part in or rehearse for another production other than that that is covered by the Body of Persons Licence then the child cannot take part on more than 5 days in any period of 7 days.

Length of time performing

- A child must not take part in a performance that lasts for more than 3.5 hours.
- A child's appearance in each performance must not exceed 2.5 hours.
- A child must not take part in more than 2 performances or one rehearsal and one performance in a day.
- A child must have a break of 1.5 hours between 2 performances or rehearsals in the same day. This break of 1.5 hours can be reduced to 45 minutes on 2 days in a week as long as the child is not at the same place of performance for more than 6 hours.
- If a child performs or rehearses on consecutive days there must be a break of 14 hours or more between each day that they are performing e.g. if there is a performance with an end time of 10:00 pm then the child cannot take part in another rehearsal or performance until 12:00 noon the following day.

Permitted hours for stage performances

After each performance the regulations allow 30 minutes after their performance for the children to shower and change, therefore standard start and finish times are:

Age	Earliest start time	Latest finish time	Latest departure time from theatre
A child aged younger than 13 years	10:00 am	10:00 pm	10:00 pm
A child aged 13 years and over	10:00 am	10:30 pm	10:30 pm

The latest finish time may be extended by 30 minutes on a maximum of 3 evenings in any one week at the discretion of the Local Education Authority (LEA) this then means that finish times and theatre departure times could be:

Age	Earliest start time	Latest finish time	Plus discretionary 30 minutes	Latest Departure time from theatre
A child aged younger than 13 years	10:00 am	10:00 pm	10:30 pm	10:30 pm
A child aged 13 years and over	10:00 am	10:30 pm	11:00 pm	11:00 pm

Information /records to be retained

A record must be kept by the Body of Persons application on each child's performance, for 6 months after the last performance of each production, for inspection if called upon.

Section 7. Performance criteria

The following performance criteria applies to all children who perform whether they are individually licensed, form a Body of Persons or are exempt from needing a licence.

Number of 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 (note that in this context rehearsal is defined as one taking place during the life of the licence).

If there is a mix of rehearsals and performances during the life of the licence a child is not allowed to take part on more than five days in any period of seven days.

Permitted hours of performance

The regulations permit different hours for stage performances compared to those for broadcast or recorded performances.

Stage performances

Age	Earliest start time	Latest finish time
A child aged younger than 13 years	10:00 am	10:00 pm
A child aged 13 years and over	10:00 am	10:30 pm

The latest time may be extended by half an hour but not on more than 8 evenings in 4 consecutive weeks and even then not on more than 3 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 appearances 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).

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 pm that night a thirteen year old must not attend for a dress rehearsal until at least 12:30 pm the following day.

Performances- daily times and hours

The following chart shows the regulations of times and hours as required by **The Children (Performances) Regulations 1968**.

All categories of children’s entertainment licensing, including both licence exemptions are subject to these times and hours

What is the maximum length of performance a child can appear in?	The total duration of the performance cannot Exceed 3.5 hours
What is the maximum length for a child’s part in a performance?	2.5 hours
What is the amount of consecutive days a child can perform?	6 days
Can a child perform/rehearse on school days?	If the child is expected to attend school all day, they are not permitted to take part in more than one performance or rehearsal
Can a child perform/rehearse on non-school days?	On days when a child is not at school they can perform in either: 2 performances; or 2 rehearsals. They must be playing the same part in both performances.
What is the minimum interval required between rehearsals and performances?	1.5 hours On 2 days of the week this interval can be reduced to 45 minutes . However on these days the child cannot be at the place of rehearsal or performance for more than 6 hours .
What are the earliest and latest times of arrival/departure from the place of rehearsal/performance?	Under 13 years of age: 10:00 am – 10:00 pm (or 30 minutes after the end of the child’s performance – whichever is the earliest) 13+years of age 10:00 am – 10:30 pm (or 30 minutes after the end of the child’s performance – whichever is the earliest)

Note: If the child is working on consecutive days, there must be a break of at least **14 hours**.

Section 8. Information for chaperones and Body of Persons adults included on the licence.

The following shows the responsibilities and requirements of licensed chaperones. It looks daunting but comes down to practical common sense. The Children (Performances) Regulations 1968 only apply to actual performances and therefore the following information does not legally apply to rehearsals or groups/societies regular meetings. It suggested however that in terms of *good practice* the following requirements have a place within regular meetings of groups/societies.

The regulations require 1 chaperone to 12 children, however *good practice* suggests that it would seem sensible to have 2 chaperones to 12 children and for appropriate gender issues to be considered.

If a group of children does have more than one chaperone it is essential that each chaperone ensures that they have taken into consideration the following, irrespective of what others may have already done.

A chaperone is acting in *loco parentis* and should exercise the care which a good parent might be reasonably expected to give that child.

Welfare responsibility

- A chaperone's first priority is always, to the child, and must not take part in any activity that would prevent them from proper supervision and care of the children they are responsible for.
- A chaperone will have total charge of a child – unless the child is being chaperoned by his/her parent – whilst the child is at the theatre/performance location, and is responsible for the child's care and control. If the child has completed his performance and is then handed into the care and control of his parents who are outside of the stage performance area the chaperone will no longer have responsibility for the child.

- A chaperone must ensure that the child's welfare overrides all other considerations. *1989 Children Act "The Welfare of the child is paramount"*.
- If a chaperone feels that a child is being over-worked or is unwell/not fit to continue then the chaperone has a duty to inform the producer that they are not prepared to allow the child to continue for that day (as a guide to times and hours to worked see Section 8 Appendix 1).

Punctuality

- A chaperone should always arrive at the performance before the children to ensure that the children are not left without the appropriately recognised adult.

Practicalities

Upon arrival a chaperone should familiarise themselves with basic health and safety issues.

- The sound of the fire alarm.
- The fire exits. Whilst familiarising themselves with this information the chaperone should ensure and continue to ensure that fire exits are clear and remain clear during their time at the location.
- The assembly location.
- The *first aider* and any procedure of the theatre/performance location. Floor areas that are dimly lit.
- Hazards that may cause people to trip.
- The condition and availability of toilets, washing, changing facilities and rest room, and to devise a practical solution if the number of facilities do not meet the regulatory requirements.
- Who the children are and the names of the specific children they are responsible for, as well as the parent/carer contact details for each child.
- When the children arrive at the theatre/performance location the chaperone must ensure that the child is registered as being on site.
- Schedule 3 of the Children & Young Persons Act 1963 requires certain records to be kept by the show's producer, it is the producers responsibility to ensure that the records are maintained.

However this task often falls to a Chaperone, and it is very important that this information is kept (please see Section 8 appendix 2 for further information).

Supervising the child/children

A chaperone is expected to supervise children when the children are not required on stage.

This supervision includes:

- Ensuring that they have appropriate amounts, and type of refreshments;
- Ensuring that appropriate behaviour is maintained;
- Ensuring that the child/children do not leave the location without their parent(s) or nominated adult;
- Ensuring that the child/children are transported home appropriately.

Child protection

A chaperone should have a general knowledge of their society's on *child protection/procedures* and an understanding of the practice issues involved in implementing the policy for their organisation.

Car/vehicle insurance

Separate to the above regulations it is also felt that *good practice* must also include some recommendations regarding car/vehicle insurance as well as some pointers to travelling Good Practices please see Section 8 Appendix 3.

Appendix 1. Non recorded performances – daily times and hours

The following Chart shows the regulations of times and hours as required by The Children(Performances)Regulations 1968. All categories of children’s entertainment licensing, including both licence exemptions are subject to these times and hours.

What is the maximum length of performance a child can appear in?	The total duration of the performance cannot exceed 3.5 hours
What is the maximum length for a child’s part in a performance?	2.5 hours
What is the amount of consecutive days a child can perform?	6 days
Can a child perform/rehearse on school days?	If the child is expected to attend school all day, they are not permitted to take part in more than one performance or rehearsal.
Can a child perform/rehearse on non-school days?	On days when a child is not at school they can perform in either: 2 performances; or 2 rehearsals. They must be playing the same part in both performances.
What is the minimum interval required between rehearsals and performances?	1.5 hours On 2 days of the week this interval can be reduced to 45 minutes. However on these days the child cannot be at the place of rehearsal or performance for more than 6 hours.
What are the earliest and latest times of Arrival/departure from the place of rehearsal/performance?	Under 13 years of age: 10:00 am – 10:00 pm (or 30 minutes after the end of the child’s performance – whichever is the earliest) 13+ years of age: 10:00 am – 10:30 pm (or 30 minutes after the end of the child’s performance – whichever is the earliest)

Note: If the child is working on consecutive days, there must be a break of at least **14 hours.**

Appendix 2. Record keeping

The following is a copy of the requirements of the regulations that apply to all categories of children's entertainment licensing, including both licence exemptions.

Some of the requirements are clearly not appropriate to voluntary organisations, however it is thought best to show the complete schedule of requirements, and to make **bold** the appropriate parts that apply to voluntary organisations.

Suffolk County Council appreciate that the performances by voluntary amateur dramatic societies are completely supported by unpaid voluntary helpers. Therefore where there is a requirement to record times on, times off for performances, rest and meal intervals **a total amount of time taken for these categories is acceptable to the Suffolk Child Employment Office.**

The records must be kept for a period of 6 months after the date of the last day of the performance, when they can be destroyed. The records must be available for inspection during a performance, and then held by the producer/secretary of the society.

Suffolk County Council **do not require** these records to be sent to the Child Employment Office but available for inspection within each 6 month period.

The Children(Performances)Regulations 1968, Regulation 5, Schedule 3

Records to be kept by the holder of a licence.

The holder of a licence shall keep the following records:

1. The licence.
2. The following particulars in respect of each day (or night) on which the child is present at the place of performance:
 - (a) the date,
 - (b) the time of arrival at the place of performance,
 - (c) the time of departure from the place of performance

- (d) the times of each period during which the child took part in a performance or rehearsal,
 - (e) the time of each rest interval,
 - (f) the time of each meal interval,
 - (g) the times of any night-work authorised by the local authority under Regulation 30 of the Children (Performances) Regulations 1968.
3. 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.
 4. Details of injuries and illnesses(if any) suffered by the child at the place of performance, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance.
 5. The dates of medical examinations(if any) of the child carried out under Regulation 17 of the Children (Performances) Regulations 1968.
 6. The dates of the breaks in performances required under Regulation 16 of the Children(Performances) Regulations 1968.
 7. The amount of all sums earned by the child by reason of taking part in the names, addresses and description of the persons to whom such sums were paid.
 8. 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.

Appendix 3. Chaperones and motor vehicle insurance

While working as a chaperone you may be required, or asked on the spur of the moment, to transport children in your own vehicle to and from performances/productions. We recommend you consider the following points before your journey:

- Passenger comfort and safety;
- Driver qualifications and competence;
- The type of journey;
- Potential traffic problems including breakdowns;
- Changes in weather conditions;
- Procedures for notification of late return;
- Contact details in case of emergencies.

Section 143 of the Road Traffic Act 1988 requires all drivers using a motor vehicle on the road to have a policy of insurance in force for that vehicle.

Suffolk County Council strongly recommends you have comprehensive level cover for your vehicle insurance.

You must have insurance cover that allows occasional business use. (There is normally no additional premium for this cover). This will cover your employment as a chaperone whether you are paid or acting as a volunteer. All insurance policies automatically cover passengers for injury (third party liability).

We also recommend the following practices.

- Whenever possible transport primary school age children in the rear seats only. Ensure belts are worn.
- Avoid travelling in a convoy as attention to road conditions can be diverted and those at the rear can be tempted to take risks in order to keep up with the convoy. Ensure all drivers know the route/destination before departure.
- If travelling a long-distance, plan a comfort break every two hours.

- Ensure your vehicle is roadworthy and has all the necessary legal documents, i.e. Vehicle Excise License, MOT. Ensure you have sufficient fuel, oil water and ensure your lights work.
- If you are using a mini-bus to transport a large number of children ensure you have at least one other adult with you, who should sit in the rear of the vehicle to supervise the children and allow the driver to concentrate on the road. Also that you are legally permitted to drive the vehicle.
- Ensure all costumes and equipment is stored safely and securely.

Section 9. Safeguarding Children and Recognising child abuse

Introduction

All children have the right to grow up to be protected from harm.

Protecting Children is everybody's business – no matter if they are professional workers or everyday citizens.

This document has been specifically developed for adults working with children and young people in entertainment, and to simply create awareness of:

- The expectations placed on matron/chaperones;
- The responsibilities with the framework of child protection;
- Safe practices;
- Professional conduct.

It is also intended to provide guidance about recognising and referring suspected or actual child abuse, hoping that it will contribute towards the development of the individuals' child protection observation skills.

The concept of significant harm

The Children Act 1989 introduced the concept of *significant harm* that justifies compulsory intervention in family life in the best interests of the child.

Significant harm is measured against the severity, extent, duration, frequency, extent of premeditation and the degree of threat and coercion involved. It also takes account of the effect on the child and the degree of difficulty in helping the child to overcome the adverse impact of the ill treatment.

The community and individuals as a whole has a responsibility for the protection of children and for the reporting of concerns about an individual child's welfare or safety.

The Children and Young Persons Act 1989 (C&YPA 89) lays down the health and safety needs of children and young people who perform. These needs are met through the regulation of the number of hours they can rehearse and perform as well as the activities they cannot undertake and the standard and conditions in which they may work.

Therefore the production companies and the particular chaperones have a responsibility to promote and safeguard the welfare of the children and young people in their care.

The Role of the Chaperone is in actual fact one of safeguarding in the broadest sense. The C&YPA 89 requires chaperones to not only ensure that the child or young person is not at risk of exploitation but also to ensure that the child or young person's welfare is paramount.

It is *good practice* for production companies and their staff to have a nominated person with child protection training as a point of reference for chaperones. Chaperones should be made aware of whom the nominated person is and that they are able to give support and help when making a referral to the relevant social services team in the area.

Dealing with suspected or actual child abuse is always stressful worrying and upsetting. Chaperones and others working with children and young people in entertainment need to know how to recognise the possible signs of abuse and the action they should take to help protect children and young people, as well as gaining personal support.

Safe practice for production company staff and chaperones

All staff of a production company:

Cast

Crew

Chaperones

and particularly those involved in direct physical contact with young performers such as:

Dressers

Makeup Artists

must be careful of their conduct including:

Use of Language

Touch

General Behaviour

Physical contact

All unnecessary physical contact must be avoided so that either young people or other adults cannot misinterpret innocent actions.

Wherever possible direct physical contact with children and young people for the purpose of costume dressing or make up should be carried out in the presence of other adults, and must not involve intimate touching.

General behaviour

Meetings with children and young people should not be undertaken alone, preferably another adult should be present, and held in a venue that is accessible to other people.

Special relationships and favouritism should be avoided, they are divisive and can be misinterpreted.

Any unusual comments or disturbing behaviour by either a child/young person about an adult member of the Production Company, a peer or family member must be reported to the nominated person with child protection responsibilities or a senior member of the production company. This person should where appropriate support the adult to refer their concerns to the child protection team of social services.

What is Child Abuse?

Department of Health Definitions

Physical Abuse

Physical Abuse may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise causing physical harm to a child. Munchausen Syndrome by Proxy or Factitious Illness by Proxy, may also constitute a physical abuse whereby a parent or carer feigns the symptoms of or deliberately causes ill health in a child.

Emotional Abuse

Emotional Abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to frequently feel frightened or in danger, or the exploitation or corruption of children.

Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone.

Sexual Abuse

Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities such as involving children in looking at pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child's basic physical and psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or a carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to the appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs.

Signs and symptoms

What to look for

Recognising abuse is not a precise science and even the professionals get it wrong at times. The following sections outline some of the possible indicators that a child/young person has or is being abused.

Physical abuse

This area of abuse is perhaps the easiest to spot and tell apart, for example in injuries, which are not typical of the bumps and scrapes associated with children's activities.

The regular occurrence of unexplained injuries or the child who is frequently injured where there are conflicting explanations of how the injuries were sustained.

Injuries that do not fit the explanation.

Furtive, secretive behaviour and/or uncharacteristic aggression or withdrawn behaviour can also be an indicator as can changes such as a child who suddenly becomes uncoordinated, or finds it difficult to stay awake.

Emotional abuse and neglect

The recognition of both emotional abuse and neglect is based on observations over time of the quality of relationships between parent/carer and the child. For example inappropriate or inconsistent developmental expectations of the child (this may be seen in the context of unreal expectations or excessive demands on the child in relation to theatrical performance and professional success) and the level of care given to the child's basic needs.

Sexual abuse

It is possible that there may be no recognisable physical signs of sexual abuse with the children/young people that are in your care, but the following indicators may be signs that a child is or has been sexually abused.

Sexually provocative behaviour or knowledge that is incompatible with the child's age and understanding.

Drawings and or written work which are sexually explicit (indirect disclosure).

It is important to recognise that children have neither the experience nor the understanding to be able make up stories about sexual assault (direct disclosure).

What action to take – who to tell

As a licensed chaperone you have a duty of care for the young people in your charge, therefore if you have concerns about the wellbeing of a child in your care you have a duty to report your concerns to the appropriate professionals/agencies.

The following process will enable you to discuss your concerns and to refer the information in the most effective way.

- Where the Production Company has no nominated Child Protection person you must report your concerns to a senior member of the production company who should then support you in informing the Customer First Social Care Services.
- **Telephone details: 08456 023023**

What to tell Social Care Services

Social Care Services need to have the following information when you make the referral:

- The child's name;
- Address;
- Date of birth;
- Race;
- Religion;
- Language any known special needs;
- Parents/carers names and address;
- The reason for your concern;
- Any other factors within the family, which may be contributing to the problem.

If you do not have all of the above information do not let this deter you from contacting Social Care Services.

If the Production Company fails to refer the matter onto Social Care Services, the individual chaperone has to make a judgement whether to refer the matter on themselves.

The judgement should be based on the chaperone/matron's knowledge of the circumstances as well as the reasons given by the company for failing to refer.

If there is a decision to refer by the individual Chaperone/Matron then this should be carried out in accordance with the guidance above –

BUT REMEMBER; THE WELFARE OF THE CHILD IS PARAMOUNT.

Recording

It is good practice to record in writing all of your concerns and actions, under Safeguarding requirements this must be done.

It is also important when notifying either the Production Company or a Social Care Services to follow up your communication in writing within 24 hours of your initial contact.

The maintenance of written notes kept of significant events or conversations will assist with any referral and subsequent investigation.

Such notes ensure that there is a documented account of the events and concerns, which have led to a referral being made.

They should be written in plain English, and should always show the difference between facts, opinion or judgement. Each set of notes must be dated including year, full name and designation of author.

Records such as this can be an essential source of evidence for enquiries and investigations and a validation of the provider's decision to refer.

Dealing with parents

The well being of the child is the paramount consideration in all safeguarding situations.

In any conflict between the needs of the child and those of the parents/carers or staff working with the child, the needs of the child must be put first.

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, or where in large productions, parents are also assisting with chaperone responsibilities.

It would be helpful for all parents to be issued with some written guidance that outlines a chaperone/matron's duties and the legal responsibility to uphold the welfare of the child as their paramount consideration. The guidance should also explain the chaperone's duty to refer child protection concerns to the appropriate agencies.

This useful information can be given to parents when the child/young person begins to attend rehearsals.

You are advised that if it becomes necessary to report your concerns about a particular child/young person, you should not raise these concerns with the parents. The issue, in the first instance, should be completely confidential between yourself and the production company's nominated person for child protection matters.

Referral checklist

The following checklist will be helpful before making a referral:

- Concerns or incident identified and recorded;
- Contact the production companies nominated Child Protection person or if appropriate the Social Services department with details of your concern;
- Remember to have information to hand about the child including date of birth, address, names and address of parents or carers, race, religion, language, and any known special needs the child has;
- Note the time and date of your referral and ensure you are clear what if any action is requested of you by social services;
- Contact your associated support group if necessary.

Remember, the welfare principal, above all else.

Allegations against production staff/chaperones or their families

If an allegation is made against a member of the production team, chaperone, cast or helper, full co-operation will be sought and expected from:

- Those in charge;
- The individual member of staff;
- The licensing authority.

In the case of serious allegations it will be necessary for the member of staff to be immediately suspended until the investigation is concluded.

If the allegation concerns a friend or family member of the Production Company including:

- Cast;
- Crew;
- A chaperone.

They will be advised of the nature of the allegation and their full co-operation sought and expected with any investigation.

It may be necessary to exclude from the theatre/rehearsal rooms the person against whom the allegation has been made or ensure that they do not have unsupervised contact with children.

After an investigation has been completed, the licensing authority, in consultation with the police and social services will then consider whether it is safe for the registration of that person to continue.

Personal Support Networks

Child protection referrals and investigations are often distressing and professionally demanding situations. Consideration should be given to what support may be necessary for any production company staff involved in the process.

It is helpful for production company staff to have a nominated person with safeguarding training or experience as a point of contact and who can offer support and advice to chaperones or others in dealing with the emotional component of child protection related issues. Wherever possible the Production Company should establish who within their organisation would be able to fulfil this role, and then to inform staff and chaperones.

Child Protection Investigation

Social Services, the Police and in some areas the NSPCC are responsible for investigating referrals to establish the facts and to clarify the grounds for concern. The initial investigation seeks to identify the sources and levels of risk and to agree what protective action may be necessary. If the investigation finds sufficient cause for concern, a child in need meeting will be called within fifteen working days.

9a. Model child protection policy

The *Anytown Operatic & Dramatic Society* recognises its duty of care under the Children and Young Persons Act 1963, the Child (Performances) Regulations 1968, the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 (in Scotland change to Protection of Children (Scotland) Act 2003). The Children Acts 1989 and 2004.

The society recognizes that abuse can take many forms, whether it be physical abuse, emotional abuse, sexual abuse or neglect. The society is committed to practice which protects children from harm. All members of the society accept and recognize their responsibilities to develop awareness of the issues which cause children harm.

The society believes that:

- The welfare of the child is paramount;
- All children, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse;
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately;
- All members and employees of the society must be clear on how to respond appropriately.

The society will ensure that:

- All children will be treated equally and with respect and dignity;
- The welfare of each child will always be put first;
- A balanced relationship based on mutual trust will be built which empowers the children to share in the decision-making process;
- Enthusiastic and constructive feedback will be given rather than negative criticism;
- Bullying will not be accepted or condoned;
- All adult members of the society provide a positive role model for dealing with other people; action will be taken to stop any inappropriate verbal or physical behaviour;
- It will keep up-to-date with health and safety legislation;
- It will keep informed of changes in legislation and policies for the protection of children;
- It will undertake relevant development and training;

- It will hold a register of every child involved with the society and will retain a contact name and number close at hand in case of emergencies.

The society has safeguarding procedures which accompany this policy. This policy should also be read in conjunction with the society's Equal Opportunities Policy and Health & Safety Policy.

The society has a dedicated Safeguarding/ Child Protection Officer, who is in charge of ensuring that the safeguarding policy and procedures are adhered to.

That person's name is

and he/she can be contacted on

This policy will be regularly monitored by the Executive Committee of the society and will be subject to annual review.

Date:

Acknowledgement to the National Operatic and Dramatic Association (NODA) who have supplied this model.

Section 10. Inspections

Children & Young Persons Act, 1933 and 1963, Children (Performances) Regulations 1968 placed on Local Education Authorities (LEAs) a duty to regulate Entertainment Licences for Children in Entertainment.

Therefore this duty allows LEAs to carry out inspections at the venue of the performance.

Inspections maybe carried out by Suffolk County Council Child Employment Officers.

It is vital that all organisations professional, semi professional and amateur/voluntary understand that:

Suffolk County Council's Child Employment Officers are committed to working in partnership with all organisations (Professional, Semi Professional and Amateur/Voluntary) to offer advice and support to ensure that children benefit from worthwhile experiences within the legal framework, whilst ensuring that the welfare of the child is paramount.

When an organisation is subject to an inspection by the Officers of the Education Attendance Service the inspection should be seen as a positive opportunity to work in partnership rather than a negative experience. The Officers are happy to be open with all members of an organisation.

The following pages contain the inspection criteria that are followed by the Officers. Some of the criteria will not necessarily apply to all organisations, and where there is a requirement for separate changing rooms, toilets etc for gender, adults, it is appreciated that many theatres have not been built to these requirements. It would be impossible for an organisation to meet the full requirement of the regulations; however the Officers would expect to see a workable practical solution in place as an alternative.

If the Officer had any concerns with an organisation these would be expressed to the producer/chairperson and talked through in a positive practical way.

A written report is forwarded to the producer/chairperson.



**CHILDREN & YOUNG PERSONS ACT 1933 AND 1963
CHILDREN (PERFORMANCES) REGULATIONS 1968**

INSPECTION REPORT – CHILD EMPLOYMENT TEAM

**2ND Floor St Edmund House, Rope Walk, Ipswich, IP4 1LZ
Tel: 01473-584772**

1. General Information

DATE OF INSPECTION	TIME OF INSPECTION
INSPECTING OFFICER	NAME OF PRODUCTION
VENUE	VENUE ADDRESS
NAME OF PRODUCER / CONTACT	TELEPHONE NO. OF CONTACT
NAME OF PRODUCTION COMPANY	ADDITIONAL PERFORMANCE GROUPS
REHEARSAL DATES	RUN DATES

4. Chaperone's Responsibilities

Ratio of Chaperones to children	:	
Have there been any illnesses / injuries?	YES	NO
If yes, brief outline of how this was dealt with:		
Has the above illness / injury been entered in production company records?	YES	NO
What arrangements are in place for First Aid / medical assistance?		
Do the Chaperones have contact details for all parents?	YES	NO
Are the children supervised when not actually working?	YES	NO
Is this supervision satisfactory?	YES	NO
If the supervision is not satisfactory, how can it be improved?		

5. Travel Arrangements

How do the children travel to and from the venue?
If the above arrangements are not satisfactory, what changes should be made?

6. Record Keeping

Name of the contact that holds and maintains records:		
Position within company:		
Are records adequate and well kept?	YES	NO
If not, what changes should be made?		

7. Venue Facilities

Are the children's dressing rooms separate from the adults?	YES	NO
Do the children over 5 yrs have a single sex dressing room?	YES	NO
Are the dressing rooms clean, adequately ventilated and generally satisfactory?	YES	NO
If not, what needs to be improved?		
Are there separate toilets for the children?	YES	NO
Are the toilets clean and satisfactory?	YES	NO
Are there separate washing / showering facilities for the children?	YES	NO
Are these facilities sufficient in number, clean and satisfactory?	YES	NO
Is there a rest room / "green room" available for the children?	YES	NO
If any of the above are unsatisfactory, what could be improved?		
Are fire exits clearly marked?	YES	NO
Are First Aid points clearly marked?	YES	NO
Have the children and Chaperones been made aware of the sound of the fire alarms or planned tests etc. and the escape routes?	YES	NO

8. Educational Provision

Do the children in this production require a private tutor / teacher?	YES	NO
If yes, is the teacher approved by DfES ? Note their registration number:		
Does the teacher keep written records?	YES	NO
Do the records show a combined total of 3 hrs teaching per school day per child?	YES	NO
Have there been any problems encountered by the teacher?	YES	NO
If yes, give a brief outline and description of how they were resolved:		
Is the course of study set by the children's own Schools?	YES	NO
Does the teaching seem adequate?	YES	NO
Is the teaching accommodation satisfactory?	YES	NO
If not, how could this be resolved?		
How many children is the teacher tutoring?		

9. Welfare of the Children

Does the care and supervision of the children seem satisfactory?	YES	NO
Do the children seem generally happy and fit?	YES	NO
Do the children seem to be worked too hard?	YES	NO

10. **Recorded Performances (Film, TV, Commercials)**

Has the Chaperone allowed extra time?	YES	NO
If yes, give details:		
Were the Licencing Authorities informed?	YES	NO
On location : Are the children protected from bad weather?	YES	NO
On location: Are the children wearing sufficient clothing for the weather conditions?	YES	NO


11. **Comments by Visiting Officer**

Has the visiting Officer raised any issues with the organisers?	YES	NO
If yes, list the issues, name the person the issues were raised with and a brief description of how they were resolved:		
General comments by visiting Officer:		

12. **Signature of Visiting Officer/s:**

NAME:	NAME:
APPOINTMENT:	APPOINTMENT
DATE:	DATE:

Section 11. Application for a Body of Persons Licence

 Suffolk County Council	Education Attendance Service Application for a 'Body of Persons' Licence
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The Children Performances (Regulations 1968) as amended

Applicant Details	
Name of Production Company	
Name of applicant	
Position in the Company	
Address for correspondence	
Town	
County	Post Code
Tel. No.	Fax No.
e-mail address	

Performance details
Performance title
Location of performance

Dates of performances:	Times of performance:

Declaration of the compliance to The Children Performances (Regulations 1968) as amended for this application for a Body of Persons Licence.

I confirm that no payment in respect of taking part in the performance/s, other than for off setting expenses, will be made to any young person or to their representative such as a parent/carer.

I confirm that all the young people's parents/carers have confirmed that they are fit and that their health will not suffer by taking part in the performances.

I confirm that suitable arrangements have been made for the young people to get to and from the place/s of performance.

Signed:.....Dated:

Full name:

Position in the company:

Section 12. Good practice advice for a drama group/society

Safeguarding Policy

Nominated person responsible for the operating of the policy
Advice on recognising child abuse
Procedure of what to do when concerns are raised

Expected Behaviour Policy – Children, Parents and Adults

Times of arrival and collection of children by parents
Dress code
Language
Respect for other members both children and adults

Membership criteria

Age ranges
Children
 Parental permission including a declaration of health & fitness
 Contact telephone no's including mobile number

Meetings

It is assumed that regular practice meetings for groups/societies takes place in a building, the following *good practice* advice is given to remind organisation to remain vigilant.

Safety

Fire doors are not obstructed by chairs and furniture
All fire doors are unlocked
All lighting is switched on, particularly outside lighting wintertime
Members are aware of the fire drill
Is there a first aider available

Accidents and Emergencies

What to do in the event of an accident

How to call an emergency service

When to notify the parents/carers and what and how to tell the parents

What has happened

Volunteer who is involved in supporting the child Hospital address (if appropriate)

Notifying a committee member

Accidents/incidents report

Register

A register is kept showing everybody (adults, children and helpers) having arrived and signed out when they leave

Membership Contact Details

Contact details of all members are brought to each meeting in case of the need, through illness or accident, to contact the next of kin. It is important to keep this information confidential.

Supervision and Welfare of Child Members

A written code of practice illustrating:

How to talk to children, physical contact

Suggested ways of keeping children involved

Adequate liquid refreshments (to prevent dehydration)

Rehearsals and Performances

Safety

Fire doors are not obstructed by chairs and furniture

All fire doors are unlocked

All lighting is switched on, particularly outside lighting winter time

Members are aware of the fire drill

Is there a first aider available

Accidents and Emergencies

What to do in the event of an accident

How to call an emergency service

When to notify the parents/carers and what and how to tell the parents

Hospital address (if appropriate)

Notifying a committee member

Accidents/incidents report

Registers

A register is kept showing everybody (adults, children and helpers) having arrived and signed out when they leave

Membership Contact Details

Contact details of all members are brought to each meeting in case of the need, through illness or accident, to contact the next of kin. It is important to keep this information confidential.

Supervision and Welfare of Child Members

A written code of practice illustrating:

How to talk to children

Physical contact

Suggested ways of keeping children involved

Adequate liquid refreshments (to prevent dehydration)

It should be noted that it is the intention that this document remains live and therefore further ideas and issues of *good practice* are welcome so that it remains appropriate and contemporary.



Suffolk County Council

For further information please contact:

By post:

Education Attendance Service
Child Employment & Licencing Team
2nd Floor
St Edmund House
Rope Walk
Ipswich
IP4 1LZ

By telephone:

01473 584772

By fax:

01473 584816

Internet

www.suffolkcc.gov.uk