

A Guide to Children in Entertainment

NORTHUMBERLAND COUNTY COUNCIL EDUCATION WELFARE SERVICE



NORTHUMBERLAND
Northumberland County Council

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**Northumberland County Council
Education Welfare**

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Photographs on front cover courtesy of Blyth Music and Theatre Company's production of 'The Wizard of Oz', March 2010

Introduction

Legislation in relation to Children in Entertainment is very complex and detailed.

This document is intended to give a general overview of the law and will attempt therefore to address some of the more common issues surrounding this topic.

The laws relating to Children in Entertainment and Performance are there to protect children's welfare and to prevent them from being exploited.

Legislation

The legislation that deals with Children in Entertainment is:

- Children and Young Person Act 1933 and 1963:
- Children (Performance) Regulations 1968:
- The Children (Performance) (Miscellaneous Amendment) Regulations 1998 (1):
- The Children (Performance) amended regulations (2000):
- The Children (Performance) (Amendment) (No 2 Regulations 2000):
- The Children (Performance & Activities)(England) Regulations 2014:

The legislation applies to all children from birth until they cease to be of compulsory school age.

The legislation is designed to ensure that a child's health, welfare and education are given paramount importance.

Licences are issued by the Local Authority in which the child lives.

At What Type Of Performance Does A Child Need A Licence?

Any performance:

- If the child is paid
- If absence from school is required
- At licensed premises or a registered club
- In connection with which a charge is made
- When taking part in a performance which is broadcast or recorded for future broadcast, e.g. performing on stage, television, filming, modelling

At What Type Of Performance Does A Child Not Need A Licence?

- A child may perform without a licence for up to 4 days in any six month period, providing there is no absence from school
- School Performances
- 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 payment 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

Who Applies For The Licence?

- The person responsible for the production in which the child is to take part
- The Licence applicant will be responsible for observing the restrictions and conditions subject to which the licence has been granted
- In the case of sporting activity, the licence applicant is the person responsible for organising the event
- In the case of modelling, the licence applicant is the person who proposes to engage the child as a model

Where a licence has been issued the law requires that the child is cared for at all times by an approved chaperone. It is the responsibility of licence holders that children are chaperoned and that the chaperones are providing the supervision required by the law. (Further guidance on chaperones on page 10).

What Records Must The Licence Holder Keep?

1. The licence
2. The licence holder must record the following in respect of each day or night performance in which a child is present:
 - the date
 - the time of arrival at the place of performance
 - the time of departure from the place of performance
 - the times of each period during which the child took part in a performance or rehearsal
 - the time of each rest interval
 - the time of each meal interval
 - the time of any night work authorised by the Local Authority
3. A record of any arrangements made, if any, for the child's education
4. Details of any injuries or illnesses suffered by the child at the place of performance
5. Dates of breaks in performances required under Regulation 27(1)
6. All sums earned by the child, and the name, address and description of the persons to whom such sums were paid
7. Details of chaperones (matrons) and where they are registered

The licence holder may be asked to produce these records to an Officer of the Local Authority who granted the licence at any time, not later than six months after the performance to which it relates.

Medical Examinations

In order to ensure that the child is fit to take part in a performance, the Local Authority may require a child to be medically examined.

For modelling and sporting activities, a statement by the child's parents that the child is medically fit is all that is required.

No child should be allowed to perform when unwell.

How Many Days Can A Child Perform?

Children should not take part in performances or rehearsals on more than six consecutive days.

Restrictions In Relation To All Performances

TOPIC	AGE 0 TO 4	AGE 5 TO 8	AGE 9 AND OVER
Maximum number of hours at place of performance or rehearsal (Reg. 22)	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal (Reg.21)	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal (Reg.22)	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance or rehearsals (Reg.22)	2 hours	3 hours	5 hours
Minimum intervals for meals and rest (Reg.23)	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsals for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes.If present at the place or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes.If present at the place or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.
Education (Reg.13)	N/A	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.
Minimum break between performances (Reg. 23)	1 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes
Maximum consecutive days to take part in performance or rehearsal (Reg.26)	6 days	6 days	6 days

Note: Regulation 5 allows the licensing Local Authority to further restrict these permitted hours, breaks etc. and place additional conditions on the licence if this would be in the best interests of the individual child.

- A child aged 0 to 4 must not take part in a performance that lasts more than 2 hours
- A child aged 5 to 8 must not take part in a performance that lasts more than 3 hours
- A child aged 9+ must not take part in a performance that lasts more than 5 hours
- A child's part or total appearance aged 0 to 4 must not exceed 30 minutes per performance
- A child's part or total appearance aged 5+ must not exceed 2 hours 30 minutes per performance
- A child must only appear in one performance or rehearsal on any day they attend school for the whole day

Night Work

A licence may be granted for a child outside of the permitted hours if it can be shown that scenes involving children are essential at these times.

The Local Authority may grant a licence for a performance after midnight if they are satisfied that it is impracticable to complete the work before then.

Travel Arrangements

The licence holder should ensure that suitable arrangements are made for children to be returned home, or other agreed destination, after the last performance or rehearsal on each day.

A child's age should be taken into account when making these arrangements.

Chaperones must be kept informed of all arrangements made for children in their care.

Chaperones

Chaperones approved by Northumberland County Council are registered for 3 years at which time they must reapply for registration.

The licence holder will be the employer of the chaperone.

Children involved in any performance, whether it is a village hall pantomime or a long running broadcast performance, must be accompanied by a registered chaperone. Similarly, if the performance runs longer than three days the child will need a performance licence.

A Chaperone's Responsibilities

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

- A chaperone’s first priority is always to the child.
- A chaperone is the key person to whom the child will look to for guidance and support
- A chaperone will be in charge of the child at all times (except when the child is in the charge of his /her parent or tutor).
- A chaperone must always remain with the child except when he / she is performing or receiving tuition.
- A chaperone shall be responsible for proper care and control of the child, including his / her health, comfort, kind treatment and moral welfare.
- At no time should the child perform if they are unwell.
- No child should perform if a licence has not been granted unless they fall within the exemption period.
- A chaperone shall not be in charge of more than 12 children at any one time.
- 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.
- Chaperones need to know who the designated first aiders are, how to contact them, and the location of the accident book.
- A chaperone may be asked to keep a record of the times the child is on set, when he/she rehearses, and when he/she performs. The chaperone must see that the child has the right breaks for rests and meals.
- A chaperone is required to ensure that suitable travel arrangements are in place for each child under their control. They are also required to ensure that the child is collected by the person previously agreed.

One of a Chaperone’s greatest strengths is her/his ability to negotiate with the production company ‘on site’ and be able to say ‘no’ when what is being requested of the child is contrary or detrimental to either the child’s health, well being, and/or education. For example, requesting a child to stay at a place of performance over and above the hours/times laid down on either the child’s licence or within the regulations, lack of education time, and so forth. A chaperone will need to know these things.

For further information on Children in Entertainment, please contact:

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