

Number: WG21099



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Welsh Government

Consultation – summary of responses

Safeguarding children: proposed changes to child performance legislation

Date of issue: March 2014

Safeguarding children: proposed changes to child performance legislation

Audience	Professional/amateur producers, broadcasting and film companies, modelling agencies, sports associations, local authorities, performance schools, parents/carers and children, chaperones and all other interested parties.
Overview	An online joint consultation with the Department for Education on proposals to reform child performance legislation for children of compulsory school age in a range of performance activities began on 24 May 2012 and ended 3 August 2012. This document provides a summary of responses received from Welsh stakeholders.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Diverse Learners and Safeguarding Branch Support for Learners Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 5807 e-mail: SafeguardingChildreninEducation@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations

Contents

Introduction	1
Summary of consultation responses	3

Introduction

This report is based on the 31 responses received by the Welsh Government to a joint consultation held with the Department for Education, England, into proposals to reform the regulation of children of compulsory school age and performance activities. The statistics on Welsh respondents are included in the Department for Education's report but in order to clearly represent the views of Welsh respondents, we have disaggregated their data and some of their responses. The joint England Wales report lists only 27 responses being received from Wales, the discrepancy is accounted for by some of the correspondents to the Welsh Government identifying themselves as "UK" or "England & Wales". As these respondents chose to submit their response to the Welsh Government, we have included their responses as representing a Welsh voice.

This summary document concentrates on the Wales specific responses to the consultation. A version of the consultation responses which cover England and Wales has been prepared by the Department of Education and is available at <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a0068886/safeguarding-child-performers>

The report on the Department for Education website is based on 232 responses to the consultation document, 32 responses to a children's questionnaire, some of which are group responses, five sector specific workshops, a pre-consultation round table and two consultation meetings which were open to the general public.

<u>Options</u>	<u>Responses</u>	<u>Percentage</u>
England:	186	80%
Wales:	27	12%
Other*:	19	8%
Total:	232	100%

* Respondents who ticked 'other' were either responding from the UK or from England and Wales.

Make-up of Welsh Respondents

Respondents were asked to mark the category which best described them as a respondent.

Selected category	Number of responses
Local Authority:	6
Film/Broadcasting/Production Company:	5

Child Performer:	3
Chaperone:	2
Parent/Carer:	4
Sports Association:	1
Stage School:	3
Other	11
Total:	31

Respondents who designated themselves as “Other” were from national organisations, voluntary or charity organisations or professional bodies:

There was a good cross-section of stakeholders involved with performance, both amateur and professional, across Wales. Notable absences were the fashion and advertising industry and child models who sent no responses and did not attend either of the 2 stakeholder engagement workshops.

Summary of consultation responses

Scope of licensing requirements

Q1 Do you agree that the activities at paragraph 5.2 should be included in the list of those that require a licence?

25 responses were received to this question where respondents marked a preference with 77% agreeing with the activities listed that would require a licence. One respondent indicated that they were not sure. A selection of comments received from those that marked a preference and those that just provided a response to the question are below.

Comments

- Licenses should also apply to pre-school children as well as those of compulsory school age.
- Important for licensing to cover those situations where a documentary not involving artificiality or contemporaneous risks (e.g. 'fly-on-the-wall' filming) subsequently exposes a child to a heightened risk (e.g. of bullying by peers) once the material is broadcast.
- In respect of the internet, there are concerns as to how this will be policed. How can the unknown be enforced? We do remain concerned about the use of images of children in this genre, but for enforcement to be successful, it must be effective.
- A clearer definition of 'Paying Audience' is required.
- The lack of definition of a 'performance' has resulted in confused interpretation of the regulations.

Q2 Do you think there are other activities which should be included in the list of those that require a licence?

42% of respondents who marked a preference to this question felt that there were no other activities that should be included in the list. 6 respondents (19%) who did think that other activities should be included suggested beauty pageants more than once as were student films, i.e. those produced by undergraduates on their degree course at university.

Comments

- Amateur shows where there is a mixed cast and if not licensed then a code of good practice.

- Agreeing with the principle to reduce the bureaucracy in order to give children more opportunities to perform, have some concerns that amateur companies are completely exempt from licensing where the child is not being paid.

Q3 Do you think any of these activities should be exempt from the licensing requirements? If so, please give your reasons.

Almost two thirds (61%) of respondents did not feel that any of these activities should be exempted from licensing requirements with only two respondents providing examples of activities that should be exempted. This included a national organisation which stated that due to the nature of the organisation 'should receive exemption because of the rigorous safeguarding practices already in place within the organisation'.

Comments

- Careful consideration needs to be given however to the definition of "observational or factual documentaries which are in fact subject to manipulation for dramatic or editorial effect
- Amateur performances and Youth and Charity Performances should be exempt thus allowing the local authorities more time to concentrate on professional theatrical, film and TV license applications
- The list of exempted activities should be extended so as to include:
 - All user generated content.
 - Programmes in the public interest – This would cover investigative programme making where it would be in the public interest to proceed without a licence in circumstances for example, to expose wrongdoing of a local authority. Such an exemption would need to be subject to stringent safeguards.
- For the sake of clarity the following activities should be exempt:-
 - Daily news reporting
 - Single interviews and vox pops
 - Unknown auditionees and audience participation
 - School events
 - Observational programmes

Exemptions

Q4 Do you think we should keep the four day rule, reduce the amount of days in the rule, or scrap the rule?¹

Q5 If you think the rule should be reduced rather than scrapped, please say how many days you think should be allowed before a licence is required.

In response to question 4, 10 respondents (32%) were in favour of keeping the 4 day rule with 9 (29%) preferring to scrap the rule. Only two respondents suggested that the number of days be reduced; there was no clear consensus about this proposal. Of the respondents who felt that the rule should be reduced rather than scrapped only a couple of comments were made from one to two days or that a licence should be required regardless.

Comments

- Scrap and license all kids in a professional production. Do a body of persons for kids in amateur productions where there are likely to be more numbers.
- The rule should be scrapped. The local authority will be able to monitor the number of performances of the child.
- This rule perhaps depends on the type of activity the child would be involved in and how it affected their health and education.
- We believe that establishing risk as the primary basis and reason for requiring a licence, if well supported by guidance as to the conduct of risk assessments, would be a much more sensitive protection for children.
- The 4 day rule is advantageous to young people who are seeking work experience and to assist in gaining evidence in respect of their record of achievement – it is extremely difficult for young people to find placements within the industry.
- The rule should be reduced. Children are just as vulnerable during rehearsals and one performance as they are for four performances or more.
- The four day rule is too complex and confusing for individual parents, organisations and LA to monitor and assess. Abuse of the rule takes place as a result of this confusion.
- The four-day rule compels production companies to use a wide range of children from many schools and backgrounds thus encouraging diversity of opportunity for all.

¹ 4 Day Rule: A child is allowed to perform for 4 days in any 6 month period without a licence – if they are not having any time out of school and are not being paid; the production company just need to obtain an authorisation (letter or email) rather than a licence from the local authority where the child lives

Q6 Do you think responsibility for safeguarding in sport should sit with sports governing bodies, local authorities, or elsewhere? Please give your reasons.

The majority (32%) of respondents who indicated a preference opted for Sports Governing Bodies with 16% choosing local authorities. However 48% of respondents were not sure where the responsibility should lie or did not specify a preference.

Comments

- The child's education can be hampered with the amount of training needed within the school week. This will have an effect on the schools attendance.
- Safe guarding in sport needs to be monitored as some children take part in competitions during the school week and in some cases out of the country.
- The responsibility for safeguarding should not be restricted to a single category of bodies, but should be exercised by local authorities, sports bodies and all organisations and persons concerned with managing children participation in sporting activities.
- We do consider that there should be strong links between sports governing bodies and LAs as LA licenses will still be required for under 13's in paid sport. We also would like it acknowledged that, despite the assertion that over 13s in paid sporting activities may be aiming for a career in sport, this does not always come to fruition and as such their educational needs has to be taken into consideration.
- The child's safety is paramount and the closer to the child an authority is the better. Alarm bells are more likely to be rung in conjunction with Social Services
- Professional sports governing bodies are better placed in assessing and monitoring safeguarding in their specific field rather than LAs.

Q7 How do you think local authorities can ensure a consistent approach across the country to deciding which activities require a licence, and which should be exempt?

The main theme in the comments received from respondents to this question was the need for clear, strong guidance from Welsh Government which details the responsibilities, processes and monitoring arrangements. Respondents felt that there was too much inconsistency between authorities and central guidance and standardisation of forms and administration coupled with clear guidance would help ensure a consistent approach.

8 Are there other activities or circumstances which should be exempt from licensing?

32% of respondents felt that there were no other activities or circumstances that would require an exemption with only 19% suggesting activities for exemption such as conflicts of interest, amateur productions run by national organisations and self generated content. Again there was no clear consensus from respondents with many not sure or not indicating a preference for this question. Comments from the 6 respondents (19%) that proposed other activities for exemptions are below.

Comments

- We would welcome further discussion with regards to licence exemption when there is a conflict of interest with the licensing procedure e.g. if a refusal to grant a licence prevents true observation which is the public interest, under-cover filming or inquiries into the authorities themselves.
- With an increasing volume of user generated content available from individuals, suitable for forecast transmission, clearly the production company has not participated or organized the production of such a recording while there may be good reasons for broadcasting such content.
- Children who have the opportunity and ability to perform for a variety of activities are encouraged to do so, knowing their well being is sort by the local authority.
- There will certainly be new forms of performance arising that are not explicitly defined here, which will involve potential harms to child participants.
- We believe that the central role of risk assessment in the proposed new legislation is a positive move and, properly drafted, will go a long way towards capturing potential harms in new genres of performance.

Changes to licensing

Q9 Do the hours we have proposed in paragraph 7.16 seem reasonable? If you have concerns what do you think should be changed?

The majority of respondents (61%) were in favour of the proposed changes to the hours with only 6% not, but there were a range of suggestions included as to what would be appropriate.

Comments

- I have experience of working with a Television programme where a group of under 16 could not be in the building or appear in another section of the show after 10.00pm. The under 16 understood completely the reason why they could not take

part as their licence ended at 10.00pm. The new time of 11.00pm will allow the flexibility for junior members to be interviewed after a performance and join in the celebrations.

- The hours seem reasonable, but it would be helpful if there was guidance regarding what constitutes as a reasonable respite, eg. No less than fifteen minutes.
- Production companies expect children to be at the venue for the earliest possible time to enable costume/make-up is taken care of prior to filming. A 7am call time would require children to be awake and travelling from very early hours in the morning.
- Rules on hours should apply to all rehearsals, not just ones after the first performance.
- Rehearsal is just as tiring as performance, and can be more stressful.

Q10 Do you think that licences should continue to specify dates of performance, or do you think that some flexibility in dates is appropriate?

Almost half (48%) of respondents preferred the option of flexibility in dates would be more appropriate with a quarter preferring specifying dates. A number of comments for specific and flexible dates were provided by respondents.

Comments

Specify

- This will allow the local Authority to know where and when the performances are. Also records can be kept of each performance, ensuring safeguarding at all times.
- Licences should specify a production window. However, it seems sensible to build in some degree of flexibility to take into account for example adverse weather or illness of a main cast member. Changing agreed days to be worked should not be the norm.
- Dates should continue to be specified to ensure that a child's education needs are not compromised by failure of the producer to adequately plan their shooting/rehearsing schedule.
- Schools want to know specifically when a child is going to be absent and not spend hours chasing up their whereabouts.

Flexibility

- Flexibility is required due to the constant changes in production scheduling
- Due to unforeseen circumstances such as cast illness or weather conditions, we support the proposal for flexibility in performance dates.
- Most definitely to facilitate inspections and school requirements for attendance.
- Flexibility should carry with it a duty to notify the LA of finalised dates (for inspection purposes)
- Although not entirely open ended, i.e. state timeframe
- Production companies often have to change dates unexpectedly at the last minute

Q11 Should the producer be required to conduct a risk assessment as part of the application? If so, what factors should be considered?

The majority of respondents (71%) agreed that the producer should be required to conduct a risk assessment with only one respondent not agreeing. A number of factors that should also be considered were set out by respondents and they have been listed in the comments below.

Comments

- This will allow the production company to take ownership of the child performer, ensuring their well being at all times. Chaperones to have a copy of the risk assessment to ensure safeguarding at all times
- A risk assessment should be conducted as a matter of routine requirement for adult and children present on a production set/theatre.
- A risk assessment should be completed and submitted if requested.
- The LA to have the right to request 'on the spot' risk assessment.
- Risk assessments are conducted daily on most productions and it would be possible to send a generic one with the application.
- Other factors to be considered which were raised by respondents were (not an exhaustive list):
 - Health & Safety issues
 - Emotional and physical needs of the child

- The impact post broadcast on the child
- Travel arrangements
- Accommodation requirements
- Dietary requirements
- Role and involvement of chaperone
- Nature of the production
- Any special needs or requirements of the child
- Dangers in actual performance eg fight scenes, use of firearms, strobe effects, `flying`
- Different requirements of children according to their age.
- Dangers back stage
- Nature of filming and programme
- Time of day / schedule and length of performance/rehearsal

Increasing opportunities for children

Q12 Do you think that local authorities should be able to give a 'Body of Persons' or single approval for large events where children aged thirteen and over are paid to take part?

No respondents disagreed with this question and 71% agreed that local authorities should be able to give a 'Body of Persons' or single approval for large events where children aged 13 and over are paid to take part.

Comments

- This will make it easier for the group performing and the local authority, reducing the amount of applications.
- We recognize that this is a real shift in government thinking, and is at complete variance with the present legislation, where the use of a Body of Persons is primarily intended for groups of amateur auspices.
- Depending on activity and parental consent.
- Body of persons approval should be available for LA use for children of any age.
- We strongly agree that local authorities should be able to give a single approval for large events where children aged 13 or over are paid to take part.
- Local authorities should be able to give a single approval for large events where children are paid to take part. This should include circumstances where payments are made by content producers to the organisation involved or direct to the children contributors.

- Clarity should be provided in scenarios when children are to perform as part of a group and a payment is made to the organization they represent – amateur choir, dance group etc.

Q13 Do you agree with the proposal to register amateur organisations rather than licence individual children?

This proposal was generally welcomed with over half (58%) agreeing and only one respondent disagreeing.

Comments

- The amateur organisation must be registered as well as performance licences for all children under 16. The local authority can inspect the performance venue and monitor all performances for the child. Safeguarding in amateur organisations can be left to parents, without the local authorities knowledge.
- We welcome this as the license does not necessarily protect the child. It is the existence of a robust process to ensure that the amateur organisation is credible, that they have clear processes in place that protect children, and a belief that the child is paramount.
- I think this would be an excellent plan but feel amateur/community groups should still liaise with their local authority.
- I believe that all adult members of an amateur cast who include children and young people should undergo a CRB check (as this would be classed as volunteers, no cost would be involved). The organisation could then be licensed by the authority and given procedures which should match the licence regulations regarding hours of work/attendance at rehearsals etc.
- Entirely appropriate, and opens up most opportunities for participation

Q14 Do you agree with the proposal to lift restrictions to licensing children under the age of fourteen?

Respondents agreed with this proposal (68%) with none disagreeing and only 10% of respondents unsure.

Comments

- This will give more opportunities for under 14 children. Risk assessments and performance licence for the performer will ensure safeguarding for the child.
- Parental consent is essential and professional productions should use licenses,

amateur local community groups require to be registered and list the children involved of all ages up to the school leaving age.

- The current restrictions are problematic and outdated
- Removing the restrictions to licensing children under the age of 14 will encourage participation by that age group and promote equality.

Q15 Do you agree with the proposals to lift restrictions on troupe work?

Over half of respondents (52%) agreed with the proposals to lift restrictions on troupe work with only one respondent disagreeing. The respondent that disagreed commented that 'the authority will need to know what performances the child partakes in. The local authority still needs to exercise their judgement in deciding the licence conditions necessary to support the best interest of the child'.

Q16 Please indicate if you think the proposals would have a positive or negative effect on the following groups of children:

- a) boys**
- b) girls**
- c) children or young people with a physical or learning disability**
- d) children and young people from different economic, social, ethnic or religious communities.**

In the main respondents to the four parts of this question agreed that the proposals would have a positive effect across all groups. There was only one respondent for each part of this question that thought it would be negative, two for different economic, social, ethnic or religious communities.

It should also be noted that in all four groups the number of respondents which weren't sure of whether it would have a positive or negative effect accounted for 29% or more of indicated preferences. More specific comments for boys, girls, physical or learning disability and different economic, social, ethnic or religious communities are detailed below.

General comments

- We believe the proposals provide an opportunity for all children of whatever gender, ability or social, economic, ethnic or religious background to participate in television programming.
- We do not believe that the proposals will have a negative effect on the groups specified. The current system regulating child performance is often reliant on parents and guardians from better off socio-economic groups having the time and resources to navigate the idiosyncrasies of the licensing processes. Changes such as those

outlined in the draft proposals, aimed at creating a more transparent and fairer system, could have a positive impact on the socio-economic composition of the professional child performer workforce.

Boys

- We do believe that the proposals in general would have a positive effect on boys/girls and provide them potentially with more opportunity. However the proposals encourage the inconsistency of approach and the potential for an escalation of the 'postcode lottery'.
- Boys are much less likely to be involved in performance activities - more barriers removed the better

Girls

- Plenty of girls participate, and the four day exemption means most don't need licencing

Physical/learning

- There are many situations where children with disabilities are welcomed by all groups, and our experience provides that these children (and adults too, come to that) feel very much part of the group and have their specific needs catered for without them feeling that they are different to other able bodied participants. In general, these proposals in our view neither have a positive nor a negative bearing on their likely experiences in entertainment, professional or amateur in the short-term.
- Four day covers most of these? Our own group only does one full scale performance a year. Rest are 'sharings' for parents and friends.

Economic/social

- There are many situations where children from different economic, social, ethnic or religious communities are welcomed by all groups, and our experience provides that these children (and adults too, come to that) feel very much part of the group. Indeed their diversity often brings with it a greater acceptance of the needs of minority groups and what they bring to an organisation, than might be anticipated and from our experiences they are all seen just as part of the group. In general, these proposals in our view neither have a positive nor a negative bearing on their likely experiences in entertainment, professional or amateur in the short-term.
- Don't think licencing is the most significant barrier here

Q17 Is there anything you think we should do to improve equality of opportunity for child performers?

Respondents provided comments which were similar to those they made for question 7 that is there should be a consistency of approach across all authorities set out in Government guidance and procedures which would allow and create equality of opportunity for child performers. Respondents also commented on removing the requirement for a medical examination / GP certificate and allow parents to self certify. This would provide equal opportunity for children from low income families.

Chaperones

Q 18 Do you agree that a chaperone should be required for children taking part in all performance settings? If you disagree, please explain why.

This question provided the highest percentage of agreement amongst respondents with 74% agreeing that a chaperone should be required for children taking part in all performance settings. No respondents were unsure about this question but one respondent did not agree.

Comments

- The chaperone is the key to securing the child's health, safety, kind treatment and moral welfare. It is irrelevant whether the chaperone is acting in this capacity within the professional arena or for that matter within the amateur sector
- In the amateur sector responsible adults checked by the group should be allowed and I think it will be expected by parents that they are all CRB checked.
- It is vital that the chaperone is present with the children to ensure that the children don't work over the permitted hours and that they receive a break. Everyone else is busy doing their own work, and it would be easy for them to forget about the children's needs.
- Sometimes under 7's feel more secure with their parents on set and some parents are reluctant to leave their young children with a stranger, even if this person is a licensed chaperone.
- There could be 2 different levels of chaperones, paid and unpaid. However, there should be a requirement that all chaperones are CRB checked and have received adequate training.
- Yes, better use of chaperones would be particularly welcomed in the fashion industry.

Q19 Do you think that the proposal that the amateur sector approve their own chaperones provides sufficient safeguards for children?

32% of respondents did not agree that the amateur sector should approve their own chaperones, the main concern being the inability to ensure suitable CRB checks had been completed or were in place. Those that agreed (19%) felt that the amateur sector more often than not had parents in attendance.

Comments

- Absolutely not! How can we be sure that CRB checks etc would be completed? LA approved chaperones have training in child protection and their duties along with an enhanced CRB check. If these checks are not completed it increases the risks posed to children from adults.
- Providing these people hold clear current CRB checks and have had an explanation of what is expected.
- Whenever we host larger shows/productions we ensure that we have our own 'licensed' chaperones in place but also have a body of parents in attendance. We always ensure licensed chaperones offer guidance and support to the parents whenever required.
- All Chaperones should be independently licensed and vetted by the LA. Downgrading the amateur sector can leave it vulnerable for targeting by unscrupulous individuals wanting to gain access to children for their own gains.
- Amateur sector will usually involve parents or friends of parents, with a high degree of access and influence.
- Fully trained Chaperones have the knowledge and experience to carry out the role in a professional manner: risk assessments, sufficient breaks for the child, working within the hours allocated for the child.

Q20 Do you think that the maximum number of children a chaperone can look after at any one time should be reduced?

Over half of respondents (55%) agreed that the number of children a chaperone could look after at any one time should be reduced with the number of children proposed ranging depending on their ages. The responses indicated a preference for the following ratio for the different ages of the children:

15 to 16	1 person to every 12
11 to 14	1 person to every 10
5 to 10	1 person to every 8

0 to 4 1 person to every 2

Comments

- I think that a ratio of 1:8 would be acceptable. However this all depends on age, gender and additional needs.
- 12:1 is far too great. One chaperone cannot possibly be responsible for children on stage, in the dressing room, wanting the toilet all at the same time.
- It's hard to keep tabs on a lot of excited children!
- In practice a chaperone is usually responsible for less than 12 children at any one time. We support the current proposal to reduce the ratio to a maximum of 10 children to 1 chaperone.
- Reducing this number to 10 would appear reasonable, however the circumstances of each production will differ and the producer would carefully consider the appropriate number of children to be looked after by a single chaperone in each instance, with the safety and interests of the children foremost in such consideration.

Education

Q 21 Do you agree with the proposal to allow greater flexibility in the hours of tuition?

No respondents disagreed with this proposal and 71% of respondents who indicated a preference agreed that allowing greater flexibility in the hours of tuition would be beneficial. The remaining respondents did not indicate a preference and only one was unsure.

Comments

- This depends on the length of the contract for the child. Parents must have considerable involvement in the child's education welfare, making sure they are not missing out on valuable tuition.
- It seems reasonable to allow flexibility as long as the principle of entitlement is retained.
- The hours of tuition are already so complex there is a disproportionately high level of inconsistency within LA's in interpreting the law in this area. This creates enormous issues for production when children from a number of LA's are involved.
- The base/host school should be setting/providing work when the child is absent from

school from day 1.

- We would encourage flexibility in the instances where it is relevant, and the suggestion that any hours that are attended at school during the filming period are treated as qualifying hours.
- Production companies will often only require the participation of children for short periods of up to two hours during a day, and will make arrangements for the child to be taken to school for the remainder of the day.

Q 22 Do you think that tuition should continue to be required (as now) on the second day of absence from school?

There was no clear consensus from respondents to this question with an almost equal split between those that agreed (26%) and those that did not agree (29%). The comments below received from some respondents shows the disparity in the current provisions of education and tuition from the second day of absence from school.

Comments

- The tutor will be able to follow the curriculum set by the school, if the child will be out of school for a considerable period of time. This will be a matter for the parents, teachers and production company to decide.
- Currently there is inconsistent information about tuition, where there is differing advice where a child 'should be tutored on any day when he should be at school' to lengthy engagements', which is described as more than a week.
- If a child works for a period of more than a week their educational needs should be discussed with the teachers in advance.
- We believe that tuition is a matter to be discussed between the production company, the relevant school and parent/guardian. Although it has to be said that to provide education on a 2nd day of absence from school could, in essence be a mechanism for keeping a child from school for longer than is necessary, whereas finishing the performance could be the first priority to enable them to return to school as soon as possible for education in their natural school environment and classroom.
- The paramount consideration should be that a child's education should not suffer because he/she has decided to participate in a performance activity. It is essential that parents, head teachers and chaperones work together to ensure that the educational needs of each child are assessed and met.

- The requirement to arrange a tutor for a short engagement of say, 3 days is not an effective manner of learning as it takes time for the tutor to establish and understand the child's educational requirements for effective delivery.

Working abroad

Q23 Do you agree that local authorities rather than magistrates should be responsible for licensing decisions for children to perform abroad?

A majority of respondents (68%) agreed that the local authority should be responsible for licensing decisions as opposed to magistrates where a child will be performing abroad. The main reason being that a local authority would have more knowledge about the child performers, the production company and more background information connected to the child.

Comments

- The local authority will have detailed knowledge of the child performer and will have relevant information. Production companies will require on times for the child to be filmed out of the country. The local authority will have knowledge of the production company and will be able to grant the licence.
- The LA has a relationship with the child and knowledge of any intervention but is not part of the current process. To bring this into the LA work stream is in our view a commonsense proposal and one we would fully support.
- We believe that the current system of applying to a magistrate for a licence for a child to perform abroad is complicated and bureaucratic, and many magistrates' courts, with the greatest respect, do not specialise in this area.
- It is appropriate for local authorities to be responsible for all aspects of child performance licensing including decisions for children to perform abroad. The current system in which magistrates do not have to make reference to the local authority's view or make them aware that a licence has been issued does not seem sensible.
- Past experience of having to make an application to a specialist magistrate court in London is both costly and time consuming to Wales based companies with established relationships with Wales' local authorities who have a greater understanding of the production companies and the productions they propose to undertake.

Q24 Do you think that any other agencies should be involved in decisions to licence children to perform abroad?

Only slightly more respondents agreed (35%) as opposed to those that did not agree (26%) that other agencies should be involved in decision to licence children to perform abroad with social services being the main agency that should also be involved with a few respondents suggesting the Foreign and Commonwealth Office.

Comments

- If the child is in the care system, Social Services must be involved as they are the cooperative parent. Depending on what the child is performing: sporting events, production companies, chaperones. Meetings must be arranged with the local authority where relevant information can be discussed, a schedule of the performances paper work for the child to ensure safeguarding at all times while out of the country.
- If chaperone used is an LEA approved chaperone then the situation should be safe. However, when the chaperone is one of the production company's chaperones there could be instances where their position could be compromised and the child's needs might not always be put first.
- It should be a requirement that a copy of the licensing application should be sent to Social Services
- We do not believe it necessary for other agencies to be involved other than the local authority.
- While we agree that it is sensible for local authorities to take on responsibility for licensing children to perform abroad, relieving magistrates of this duty, there are however other safeguards which can usefully remain in place, such as retaining the requirement for consular notification.

Q25 Performances that take place abroad are not subject to inspection, which would not be practical. Are there any other measures you think would improve safeguards for children who take part in performances, including professional modelling, abroad?

Responses to this question highlighted that local authority input may be limited whilst the child is abroad. Suggestions from respondents ranged from a meeting taking place between the local authority and the production company a week before to discuss all aspects of the child's welfare abroad. Coupled with this, contacting and requesting the involvement of local embassies was also a factor provided by respondents as providing an additional safeguard before and during the time the child would be performing abroad. Some of the key points raised were:

Comments

- Children are chaperoned appropriately when abroad.
- Obtaining local knowledge of the destination.
- Health & Safety risk assessments need to be undertaken which should include consideration of travel specific risks e.g. confirmation that a child has had the relevant inoculations etc
- A meeting (in person or by way of telephone conversation) should be held to discuss relevant issues between the licensing officer from the local authority and a senior travelling representative from the production company prior to travel.
- A senior travelling representative from the production company should be easily contactable whilst abroad.
- Any concerns should be discussed with the licensing officer from the local authority as soon as possible.

Licence applications, record keeping and Local Authority powers

Q26 Do you agree that the notice period for a requirement for a licence should be reduced from 21 days to ten?

Over half of respondents (52%) agreed that the notice period should be reduced from 21 days to ten. However, some of the respondents that did agree felt that in order for this to be practical it would need to rely on the authority already being aware of the child/production company etc. Those that did not agree (16%) felt that 10 days was not sufficient time to complete the necessary checks or deal with any unforeseen issues that may arise.

Comments

- The local authorities will have the relevant data on the performances that the child has completed. If all information is given within the 10 days for the licence, this should not present a problem for the authority.
- We feel that the current 15 working days is already abused and we get licence requests days before they are needed. Reducing this to ten days could cause further problems if I was on leave. There could also be issues if overnight stays are part of the requirement and we need to contact other authorities to do lodging checks for us.
- If there were any issues there is not much time within 10 days to resolve a matter.

- This would be of great help to companies. Perhaps companies could give notice to the authority before then to ensure someone is available to process the licenses.
- Reducing the licensing period to 10 days would be a significant help from the production company's point of view. It would allow us to use a wider range of children, and produce more timely/current items for broadcast. It would also be useful to have a fast-track system of 2-3 days in extreme circumstances, and provided the child's contribution is minimal.
- Details can be very hard to collect 21 days before. If producers or organisations are known to the licensing authority, a quick turnaround should be feasible
- Reduction from 21 days to 10 would be welcomed. Further a fast track system (with payment of an additional fee) should be introduced to deal with unforeseen circumstances e.g. the need to replace a child cast member quickly due to illness etc

Q27 Are there other ways in which you think the process could be made quicker?

A number of respondents were very much in favour of an electronic/online system that would make the process of applying for a licence far quicker process than that which is currently in use. This and the removal of the requirement to secure a medical / GP certificate and allow parental declaration that their child is fit to perform unless a GP certificate is requested by the local authority.

Q28 Do you agree with the proposals to remove local authority role and powers to:

Respondents to the three parts of this question were almost equally split between those that agreed and those that did not. Only section c (child's earnings) showed a clearer majority with almost half (48%) agreeing to remove the local authority powers in this instance. The following are comments made by respondents under each part of this question:

a) Approve place?

- Well known establishments have all amenities for the performers: I would like the authorities role to be kept as some smaller venues might not be suitable
- It is rare that advance inspections of actual locations take place as most venues are known, and have been previously approved. When an advance inspection is considered it will normally be on the invitation of productions, and normally in the amateur sector. Often the concern is around the lack of facilities available to provide separate dressing rooms for children to change in, and enable them to retain privacy

and dignity.

- This proposal will ensure that there will be a reduction in standards and of facilities available for children, with LA's having no power to insist that these groups improve what is offered for and to children.
- Unannounced inspections are an important aspect to the safeguarding role of LA's
- Place is very significant risk, and producers will be inclined to gloss over shortcomings
- Partially; the local authority should retain the right to refuse an application if the performance is taking place in an unsuitable venue.

b) Approve lodgings?

- This can be part of the licence approval.
- This is seldom a problem and less than 2% of all productions where lodgings are required is ever inspected. On that basis it may be deemed appropriate to remove this from the legislation. However, there are regular situations where children are to stay in a flat or apartment, as well as a hotel. We see no need in general terms to inspect the latter where a 'brand name' group of hotels is being used. Where a child is in a flat or even a house, LA's need to know who the child is sharing the property with. This information is seldom forthcoming, and something our members have to prise it out of productions. This proposal prevents us from even asking the question. In light of the government's aspirations for reasonableness and commonsense, we would suggest that children should not be in the same premises as the crew, who also need their own 'downtime'.
- Providing the lodgings are recognised hotels and a specific name/address is provided as part of the licence application to enable it to be verified.
- Could LA approved chaperone inspect and approve on behalf of the LA?

c) Stipulate how a child's earnings should be saved?

- This will up to the parents/guardians to decide.
- Although state should not interfere unnecessarily in family affairs, it is far too easy for parents to absorb children's earnings in a way which they think is reasonable, but the rest of might not think so
- I think that maybe older children/young people should be allowed to determine where their earnings are saved, but anecdotal evidence regarding parents spending that money with no regard to the child also needs to be taken into consideration.

- This is not a matter for the local authority, however it may be an area that merits further consideration by national government, as the instances of parents misappropriating the earnings of child performers are not uncommon.

Q29 Do you agree we should streamline the requirements to keep records?

Almost half of respondents (48%) agreed with streamlining the requirement to keep records in order to reduce administration but many felt that maintaining records was essential in order to safeguard children. Just under a quarter (23%) felt that streamlining records should not happen.

Comments

- Records are needed to safeguard the child. The Chaperone needs to record all aspects of the licence, if there are any concerns this can be recorded and fed back to the authority.
- The keeping of records by production is the absolute key to compliance by the wider entertainment industry with the legislation. It is often as a result of examining these records at the time of a LA inspection that it can be seen that these are not being kept adequately and in 'real time'.
- Although we do agree on reducing administration work as much as possible, feel strongly that the chaperones need to keep a record of the children's hours and breaks.
- All records should be retained for a minimum of 6 months following the performance/event.
- No. The records of start and finish and break times are vital in ensuring that the requirements of the licence are being upheld.
- Records should be kept if there are any child protection concerns raised, what was said and what action was taken

Q30 Do you think we should replace the power of entry with a condition in the licence or approval?

Respondents were equally split (26%) on those that agreed and disagreed with replacing the power of entry with a condition within the licence or approval

Comments

- This ensure the conditions are safe for the child in all areas of the licence: employment regulations especially.
- By removing the power conferred under Section 28 CYPA 1933 and adding it as a condition of the licence reduces the effectiveness of LA inspections. By entering this as a condition on the licence, this indicates that local authorities will have no power to inspect performances held under the four-day-rule, nor will they unless separately provided for, be able to inspect performances within the amateur sector, under the APRC
- I think it would be good to have a visit by a member of the local authority to our rehearsals, as they would be able to see first hand how the children and young people are within the group.
- Being able to inspect unannounced is essential.
- No. This could mean that the local authority would not be able to enter premises where an unlicensed child performer was working and could lead to further bureaucracy in instances where there are concerns about child performer safety.

Q31 If you have experience of these powers being used, did you think that was appropriate or necessary?

The majority of respondents either did not have any experience of these powers being used or did not provide a response to this question. This accounted for (84%) of responses. Once respondent that did have experience provided the following comment:

They were appropriate and considered helpful in enabling local authority officers to see television production first hand. It is generally helpful to develop a good working relationship between the producers and the local authorities.

Q32 What do you think are the main reasons behind non-compliance with the licensing requirements?

Respondents provided a number of examples of the reasons for non-compliance with licensing requirements. The issue of inconsistency between authorities and the differing lengths of time required to obtain a licence was a common theme in the responses. Concerns were raised that in some cases avoidance was an issue and non-compliance was a way of keeping a low profile to avoid applying for licenses because of the time, effort, costs and logistics involved.

The lack of understanding of the regulations and inexperience was also a contributing factor in the opinion of some respondents, one which could be rectified with stronger and clear guidance, procedures and revised legislation from Government.

Q33 Have you experience or evidence that may help us assess the case for changing the penalties?

Similar to responses to question 31 respondents had no experience or did not respond to this question accounted for 87% of the responses. One respondent who had experience commented:

In the event of minor breaches it would appear appropriate for the matter to be dealt with by the local authority providing guidance and encouraging best practice. The reputational damage to a non-compliant company would in itself be significantly severe,