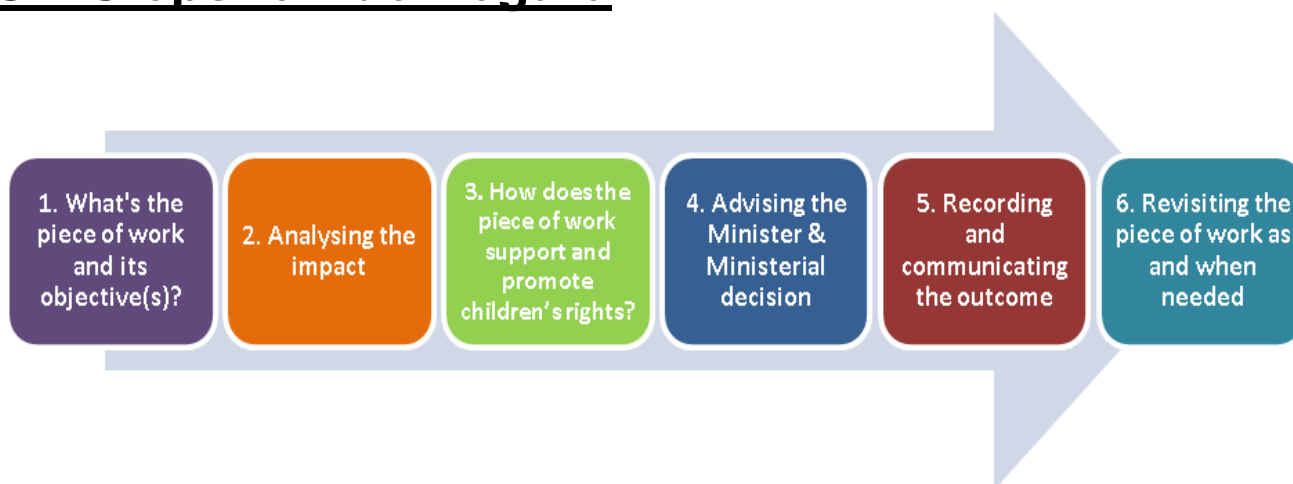




Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Child Performance Regulations – Consultation
Related SF / LF number (if applicable)	LF/HL/0261/14
Name of Branch :	Diverse Learners and Safeguarding Branch
Department:	Department of Education and Skills (DfES)
Date:	July 2014

Six Steps to Due Regard



Step 1. What's the piece of work and its objective(s)?

A brief description of the piece of work

This piece of work seeks to consult on proposed amendments to The Children (Performances) Regulations 1968. These Regulations make provision with respect to children who take part in a performance to which section 37 of the Children and Young Persons Act 1963 applies. For most performances a licence granted by the appropriate local authority is required by section 37: but for some a licence is not required. This consultation is about the limits, which are set out in regulations, on when children can take part in performances and the breaks they must have. There are currently a number of restrictions on when children can perform, which differ between broadcast and non-broadcast performances. The Welsh Government is of the view that there should continue to be rules about when children can perform, to safeguard their health, well-being and education. But the current rules are complicated and restrictive, and not always in the best interests of children. The Welsh Government proposes to lift unnecessary restrictions while keeping essential safeguards in place. We are seeking views on the proposed new framework. This prescribes the circumstances that children can take part in performances, according to their age, the breaks they must have and proposals to allow a local authority approved chaperone to have limited discretion to vary these rules, if they think it is in the best interests of the child.

What the time frame for achieving it is?

The consultation will commence on the 1 August 2014, and will close on the 31st October 2014.

Who are the intended beneficiaries?

Children who take part in performances.

Is it likely that the piece of work will affect children?

Yes, a positive impact is intended by introducing more equitable and consistent arrangements in licencing to reflect more contemporary arrangements in today's society. The rationale behind the changes is to seek to maximise opportunities for children to take part in all kinds of performances without reducing the protections provided by the existing framework for child performance licencing while ensuring the

current level of safeguarding.	
<i>Will the piece of work have an affect on a particular group of children, if so, describe the group affected?</i>	
Yes -children, of compulsory school age, who take part in performances.	

Step 2. Analysing the impact

We believe that these proposals will deliver a positive impact for children who take part in performances. The current legal framework has generally proved effective in its purpose of ensuring that child performers are kept safe, however, as it has been in place since the 1960s, some aspects are now outdated. In 2012, the Welsh Government jointly consulted with the Department for Education on proposals to reform the legislation. The consultation identified some barriers that can prevent children from taking up performance opportunities, with limited purpose. These problems were highlighted in the passage of the Children and Families Act 2014 in the UK Parliament and restrictions have been removed in England and Wales on the types of performances that children under the age of 14 could be licenced to take part in. Now, the Welsh Government proposes to take further action to improve opportunities for children who wish to perform by:

- removing the requirement in the regulations for a medical certificate to be provided before a licence can be issued. The certificate is supposed to prove that the child is fit to perform, but local authorities tell us that in most circumstances this should not be necessary, and that parents often have to pay their GP to provide a certificate for no good reason. Removing this requirement would remove a financial barrier to children taking part in performances.
- supporting local authorities and others to develop best practice guidance. We will be working with the Department for Education and key partners on this guidance which it is anticipated will be published later this year. This will ensure consistent and more equitable arrangements for children across Wales.
- removing unnecessary restrictions on the different types of performance a child can take part in on one day and inconsistencies between the rules for performances which are not recorded or broadcast and those which are. We see no justification for these restrictions and differences, provided the overall safeguards about the number of hours spent performing and at what times of day (as covered in this consultation) are in force. Removing this barrier would result in children being able to take part in performances without any unhelpful or unnecessary restrictions.

Do you need to engage with children & young people and/or stakeholders to seek their views using consultation or participatory methods?

A consultation engagement workshop with members of the Welsh Network of Children in Entertainment and Employment is being planned to gather the views on the proposed new framework.

Do you need to produce child friendly versions of proposals/consultations?

As the consultation is short and concise and the proposals it contains are explained clearly in the Annex to the consultation. We do not think a child friendly version would offer any advantage in this instance.

Step 3. How does your piece of work support and promote children's rights?

The articles below are all in relation to work regarding Child Performance Regulations:-

Article 1 – Everyone under 18 years of age has all the rights in this Convention

The proposals will introduce an equitable system to meet age appropriate needs of children and young people, as set out in the Annex of the consultation.

Article 3 – In all actions concerning children the best interests of the child shall be a primary consideration.

The current legal framework has generally proved effective in terms of safeguarding, however as it has been in place since the 1960's some aspects are outdated and need updating to fit in a modern day context. Welsh Government holds the position that there should continue to be rules about when children can perform, to safeguard their health, well-being and education. However, the current rules are complicated and restrictive, and not always in the best interests of children. The Welsh Government proposes to lift unnecessary restrictions while keeping essential safeguards in place. The proposed new framework prescribes the circumstances that children can take part in performances, according to their age, the breaks they must have and proposals to allow a local authority approved chaperone to have limited discretion to vary these rules, if they think it is in the best interests of the child. Updating the existing legal framework to those proposed, would remove barriers frequently reported by local authorities, removing unnecessary bureaucracy, ensuring a more streamlined approach without compromising the safeguarding of children who perform.

Article 5 - Governments must respect the rights and responsibilities of parents to guide and advise their child so that, as they grow, they learn to apply their rights properly.

It is a requirement that children performing under a licence are accompanied by a chaperone. The chaperone is responsible for looking after children during all rehearsals and performances. Currently, the chaperone can allow a child to perform on stage for up to 30 minutes longer than set out in the rules. This only applies to licensed broadcast performances.

Whilst it is important to have a framework to ensure children are not overworked and have time for sufficient rest and sleep, it is a fact that both live shows and filming schedules can occasionally overrun. We propose that chaperones should be able to exercise their discretion in all types of performance, where it is clear that this is not detrimental to the health and well-being of the child. We are also considering whether they should have the discretion to be able to agree to end the session up to an hour later, rather than 30 minutes.

Article 19 – Governments must do all they can to ensure that children are correctly cared for, and protect them from all forms of violence, abuse and neglect by their parents or anyone else who looks after them

We propose to replace the current array of rules about when children can perform and the breaks they must have with a streamlined framework. In developing the framework we have followed the following principles:

1. that the same restrictions should apply whether performances are broadcast or not;
2. that where current restrictions between broadcast and non broadcast performance are different, we should generally adopt the least restrictive and simplest of the two; providing that this does not compromise the safeguarding of children who perform.
3. that other restrictions should be removed or reduced if they clearly have no safeguarding benefit;
4. that younger children should have stronger safeguards than older children to protect their health and wellbeing;
5. And above all, that any current restrictions which serve a clear purpose in safeguarding child performers should be preserved.

Article 28 – Children have the right to an education. Discipline in schools must respect children’s human dignity. Primary education should be free. Wealthy countries should help poorer countries to achieve this.

The law requires the producer to apply for a licence from the child’s local authority. The local authority should only issue a child performance licence if they are satisfied that the child’s education will not suffer, and that the producer has made suitable and sufficient arrangements to safeguard the child.

Article 29 – Education must develop each child’s personality, talents and abilities to the full. It must encourage children to respect their parents, and their own and other cultures

The 2012 child performance consultation identified some barriers that can prevent children from taking up performance opportunities, with limited purpose. The rationale behind the changes is to seek to maximise opportunities for children to take part in all kinds of performances without reducing the protections provided by the existing framework for child performance licensing while ensuring the current level of safeguarding.

Article 31 – All children have a right to relax, play, and to join in a wide range of cultural and artistic activities

Hours a child can attend the place of performance

The amount of time that a child spends at the theatre or on a film set may often be much greater than the time they spend performing. To safeguard the health and well-being of children, there are rules about the maximum hours that a child can attend the place of performance. Currently, for performances other than broadcast or recorded, a child may take part in more than one performance or rehearsal if they are not present for more than 6 hours. This restriction is not mirrored in the rules for broadcast performances, so it is proposed to remove it. We propose to align the rules that apply to non-broadcast performances with those that currently apply to broadcast, which differ according to the age of the child.

Breaks – duration and frequency

Whatever the nature of the performance, children need proper breaks throughout the day for meals and for rest. It is important that children get the breaks and meals they need. We propose the minimum frequency and duration of breaks should continue to be set out in regulations, according to age group.

Currently children over 5 must have a break of 1.5 hours between live performances. If the performance is of short duration, say ten minutes, the requirement for a 1.5 hour break seems disproportionate. We are minded to reduce the minimum required break for performances that last for less than 1 hour to 45 minutes. For all age groups, we propose

that no break should be for less than 15 minutes (as now), but are considering whether the minimum duration for meal breaks could be reduced from 1 hour (as it is now) to 45 minutes.

Article 32 – The government must protect children from work that is dangerous or might harm their health or their education

It is a requirement that children performing under a licence are accompanied by a chaperone. The chaperone is responsible for looking after children during all rehearsals and performances.

Currently, the chaperone can allow a child to perform on stage for up to 30 minutes longer than set out in the rules. This only applies to licensed broadcast performances. Whilst it is important to have a framework to ensure children are not overworked and have time for sufficient rest and sleep, it is a fact that both live shows and filming schedules can occasionally overrun. We propose that chaperones should be able to exercise their discretion in all types of performance, where it is clear that this is not detrimental to the health and well-being of the child. We are also considering whether they should have the discretion to be able to agree to end the session up to an hour later, rather than 30 minutes.

It is important that children are protected from overwork. Regulations currently specify different maximum periods for different types of performance: a maximum of 6 consecutive days are permitted for non-broadcast performances, whereas the maximum is 5 days in 7 if any of the performances are broadcast. We propose to make 6 consecutive days the maximum for all types of performance.

Article 34 – The government must protect children from sexual abuse

The Welsh Government does not intend to take any action which could reduce safeguarding for children when they take part in performance or to take forward wholesale reform of the legal framework.

All proposals have been devised with the following principle:

Any current restrictions which serve a clear purpose in safeguarding child performers should be preserved.

Step 4. Advising the Minister and Ministerial decision

When giving advice and making recommendations to the Minister, consider:

The advice to the Minister for Education and Skills confirms that this CRIA has been completed. No conflict with the UNCRC articles has been identified.

Step 5. Recording and communicating the outcome

This CRIA will be published at the same time and alongside the consultation document on the Welsh Government's website.

Step 6. Revisiting the piece of work as and when needed

This impact assessment will be reviewed following the close of the consultation period.

Budgets

As a result of completing the CRIA, has there been any impact on budgets?

It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.

No

Please give any details:

Monitoring & Review

Do we need to monitor / review the proposal?

Yes

If applicable: set the review date

November 2014

**See next page for a
Summary List of the
UNCRC articles**

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right of life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People
www.ciconline.co.uk/news/