



Llywodraeth Cymru
Welsh Government

Keeping young performers safe: best practice



Guidance

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Keeping young performers safe: best practice

Audience

Local authorities; headteachers and governing bodies of maintained schools; headteachers and governing bodies of voluntary aided and foundation schools; teachers in charge of pupil referral units; church diocesan authorities; proprietors of independent schools; principals of further education institutions; higher education institutions; school staff unions; teacher unions; Governors Wales; Careers Wales; Local Safeguarding Children Board chairs; broadcasting companies; theatre companies; operatic organisations; voluntary and charitable organisations that work with children or have child members (including staff within those organisations that have a lead responsibility for safeguarding children).

Overview

This document offers scenarios and ideas about how some of the main issues around licensing can be considered and resolved.

Action required

None – for information only.

Further information

Enquiries about this document should be directed to:

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

Tel: 029 2080 1280

e-mail: keepinglearnerssafe@wales.gsi.gov.uk

Additional copies

This document can be accessed from the Welsh Government's website at gov.wales/educationandskills

Related documents

The Children (Performances and Activities) (Wales) Regulations 2015, 2015 No. 1757 (W. 242)

www.legislation.gov.uk/wsi/2015/1757/contents/made

Keeping young performers safe: Guidance to accompany the 2015 child performance regulations (2015)

www.gov.wales/topics/educationandskills/publications/guidance/keeping-young-performers-safe/?lang=en

Keeping young performers safe: Examples and information child and young person's summary (2017)

www.gov.wales/topics/educationandskills/publications/guidance/keeping-young-performers-safe/?lang=en

Keeping learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002 (2015)

www.gov.wales/topics/educationandskills/publications/guidance/keeping-learners-safe/?lang=en

The Ofcom Broadcasting Code

<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>

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Introduction

The Welsh Government has updated the rules about what is needed to safeguard children who are taking part in plays, shows, modelling and other performances and activities, whether or not those children are paid for taking part. The Regulations, the Children (Performances and Activities) (Wales) Regulations 2015 ('the Regulations') and the guidance *Keeping young performers safe* (Welsh Government, 2015) set out and explain these rules. For those involved in producing, managing and organising performances or activities involving children, this document provides some extra information and examples to help planning to keep children safe, as well as details of some of the issues that might arise.

The key lesson is maintaining close working relationships between the organisers of events with children – including community organisations, amateur groups and schools – and the local authorities who are responsible for child safeguarding and child performances. It is best for organisers and authorities to work together to make sure there is proper safeguarding of children while allowing them to take part in performances and activities.

This document does not offer instructions to authorities and applicants, but rather offers scenarios and ideas about how some of the main issues around licensing can be considered and resolved. It should also be useful to those who are affected by the licensing framework but who do not normally apply for or issue licences, such as parents/carers, teachers, management of production companies or venues and young performers themselves. A young people's summary of the system is on the Welsh Government website with the other main documents at www.gov.wales/topics/educationandskills/publications/guidance/keeping-young-performers-safe/?lang=en&ghj.

We have also included model application forms for child performance licences and for Body of Persons Approvals (BOPA). However, it is for each local authority to decide how it will manage the licensing system in its area subject to the Regulations and to agree the wording of application forms through their own processes. This means that there may be differences in the precise form of application required by different authorities in Wales.

1. Scenarios

School musical

A secondary school is planning its annual musical. In the past, it has never contacted the council about the performance but this year they have been told that new rules are in place so they should make sure there are no problems. The school calls the licensing officer to explain what is planned.

The licensing officer tells the school that while there are new rules, any performance organised by a school such as theirs doesn't need a licence for its performers. But there are still rules that the school has to follow, and the licensing officer asks what is planned.

The school says that there are usually three performances over a Thursday, Friday and Saturday. It has performers from across the school, so includes both under-16s and over-16s. For each of those days, the children taking part arrive in school about 9.00a.m. to rehearse throughout the day. Most leave at the end of the school day at 3.00p.m. and return at 6.00p.m., but a few who live further away stay in school. Curtain-up is usually at 7.30p.m. and the play finishes around 10.30p.m., although in the past technical problems have delayed the start and finish. Children generally take half an hour or so to change clothes and remove make-up before leaving with parents/carers or friends.

The licensing officer makes a few comments.

- It seems that all the children will exceed the maximum total of hours in performance or rehearsal per day – five hours for those aged nine and over – if they rehearse throughout the day and perform in the evening. The school should look at the timetable to make sure that no one under school leaving age performs or rehearses for longer than five hours.
- Similarly, all the children appear to be at the 'place of rehearsal or performance' for longer than allowed. Most are staying for 11 hours but those who don't go home are there for up to 14 hours, when the limit is 9 hours and 30 minutes. The current arrival time also means that the children are not having their 12-hour overnight break. A later start – 12 noon or later – would bring most children within the limit and reduce the hours in performance or rehearsal (see above). For those who stay through the day, the school could explore finding an activity off-site to take these children away from the school while the others go home.
- There needs to be proper supervision and safeguarding throughout the day, so that children are not left unattended or younger learners left in the care of older learners. It might be helpful to use registered chaperones to work with teaching staff to make sure there is enough supervision.
- The school should make sure that it complies with the minimum break periods required by the Regulations, so that all the children have a chance to rest and recuperate.

- It would be best if performers from Years 12 and 13 were given separate changing facilities to those used by the younger children. If that were not possible, perhaps the school could use a rota so that the different age groups were not in the changing rooms at the same time.
- While not a performance issue, the licensing officer asks the school what policies it has in place on photography or videoing by parents/carers and others attending the musical. It should also make sure that the learners taking part have had consent from their parents/carers to be photographed and, if not, put appropriate protections in place.
- The school should look at its child protection policies to make sure that they cover these situations, and update them if they do not.

Youth group

A local youth group, part of a large national youth organisation, decides that it will put on a play involving its members, all of whom are under 16. It has hired a local hall and hopes to raise enough money from the sales of tickets and ice creams to fund various trips for its members. The hall is 'licenced for performances' and the group thinks that their play is covered by that licence. Only when talking to its national office does the youth group realise, three weeks before the show, that it needs to talk to the local council as well. A panicking youth worker rings the licensing officer to find out whether the play can still go ahead.

They tell the licensing officer that the play will be held on two nights at the hall. Both performances will finish by 10.00p.m. and all children will be out of the hall by 10.30p.m. Some 20 children are taking part, plus another dozen backstage and front of house. The group is largely run by the children, an approach which they have followed for planning and rehearsing the play. Some of the children also belong to the youth theatre in a neighbouring authority and so have recent experience of being on stage.

The licensing officer confirms the following.

- Although the play charges for admission, the youth group may be able to have a single BOPA for all those taking part.
- The youth group has been running for more than 10 years, but has not previously applied for a licence or for approval.
- The hall has a bar which will be open in another room during the performances.
- The group has a child protection policy which has been revised recently with help from the authority's safeguarding team.
- Some of the children have been in two or three plays recently with the youth theatre, but the youth group doesn't know where or when.
- None of the children will be missing school to take part.

The youth group is asked to provide more information on the number and ages of the children who will perform and for the plans on how it will use the hall – where children will wash, change and be made up, whether or not boys and girls have separate areas, how the children will be kept out of the bar area, and how many adults will be looking after the children throughout rehearsal and performance. It is also asked to set out how long the children will rehearse and perform on each day, especially those who are under nine years old.

The licensing officer agrees to speak to the safeguarding team about the history of the youth group and its previous involvement with the authority, to help decide whether it can be eligible for a BOPA. They also ask the youth group to find out how many times its members have performed in the past six months, whether in the youth theatre, in school, or anywhere else – although the group is assured that this will not be part of the decision making but part of the authority's duty of care to the children.

The licensing officer receives assurances from colleagues that the youth group is well run and has robust child protection policies, with all its volunteers having

up-to-date Disclosure and Barring Service (DBS) checks. The youth group explains that it has appropriate arrangements in place for segregated washing and changing areas, and that there will be 2 adults to every 10 children throughout the performances. None of the children will exceed the maximum hours of performance or rehearsal, nor will they spend more than the maximum number of hours at the hall (details are provided to the authority). They have spoken to the hall management who will keep the performance area and the bar area separate, with door staff controlling access to the bar and bar staff being appropriately trained.

The licensing officer agrees that the youth group may apply for a BOPA and works through the application form with the group. The officer believes that the youth group should use licensed chaperones to ensure the safety of the children and makes it a condition of approval, giving the group contact numbers for the authority's licensed chaperones. The group provides copies of their child protection policy and the current DBS certificates for their volunteers.

Television

A small production company has applied for licences for a number of children aged 12 to 16. In the application, the company says that the production will involve ‘threats of violence and scenes of danger’, but does not say what these are or who will be affected by them. It also says that it will involve ‘scenes filmed late in the evening and at night’, again without further detail.

The licensing officer contacts the production company and asks for the person named on the applications. This turns out to be the assistant to the chief executive, who generally handles all the company’s paperwork and did the same for these licences. The assistant does not know much more than was in the application forms, but does say that the production schedule shows two straight weeks of night filming on locations near the coast. However, the schedule doesn’t show which actors will be required for each night.

The licensing officer then speaks to the producer, who is asked for the following information.

- Which children will be involved in the night filming and where and when this will take place.
- What the ‘threats and danger’ will be, and which children will be subject to it.
- A copy of the script as it stands, especially all sections involving the children.
- A full risk assessment for the production, and whether it has taken into account the additional risks of filming near the coast with children.
- Whether or not the children’s headteacher(s) have been given full details of the schedule, and especially the late finishes and night filming.
- The name of the person who has overall responsibility for the safety of those on set, and arrangements for chaperones.

The producer is told that any revised application must be made in the name of the person who has overall responsibility for the well-being of the children, which is probably the producer or director.

When the licensing officer receives the information, it is apparent that all the children face threats on screen and that two, a 12-year-old and a 15-year-old, appear to be at risk of drowning in a number of scenes. However, there do seem to be appropriate safety procedures in place and the children will not face any significant risk. While the relevant headteachers have written to agree that the children can take part, it is not clear that they are aware that they will spend significant time working at night during school terms.

The licensing officer contacts the producer with the following requests.

- The licence application must be amended to give the name of a person responsible for organising the children’s involvement in the production and who will oversee their safety and well-being throughout.

- Full details of the reasons for the night filming and the involvement of the children should be provided, making sure that if they work for two consecutive nights they do not work again at night for another seven days.
- Confirmation of the safety procedures in place and the plans for staging the relevant scenes would also be needed.
- The chaperone will have the right to request copies of the latest scripts for the children's scenes, to make sure that they are not distressed by what they are asked to do.
- Where the letters from the headteachers were not clear, the headteachers should be asked to confirm if they are content that involvement in night work will not adversely affect the children's health, well-being and education.

‘Reality’

An independent production company is developing the concept of a school’s knock-out competition based around ‘unconventional’ sporting activities on the track, on the pitch and in the pool. These will involve individuals and teams competing from four schools in an area, the winning school then facing regional and national finals. The company has decided to focus on the 11–14 age group rather than older children, so is considering secondary schools across the country. Having picked likely areas from which to choose competing schools, the company approaches one of those local authorities in Wales to discuss licensing issues.

Their researcher explains the plans for the programmes.

- Each school would be represented by around eight competitors, half of which are female and half male. It is likely that four would take part in individual events but would also join in the team events. There would be mixed events as well as male-only and female-only events.
- Competitors would be nominated by the schools, but the company would decide which ones would take part in the televised events. Two or three of the individual competitors from each school would be interviewed on camera and some would have ‘life stories’ made with the agreement of their families. Not all of these would be shown, depending on which school won and how far individuals went in the competition.
- Whichever school won the local round would be asked to the regional ‘final’, which would require the children to spend five days away at a regional training centre.
- There would be no prizes for those taking part except a trophy for the winning team. The school which won the national competition would receive sporting goods as a prize.

The main issues raised by the local authority are as follows.

- If children are to be directed – or if interviews are to be scripted – then the production company would need to apply for licences for those aspects of the programme. The authority wants to discuss with the company how this would work in practice, so that it might be possible that only a few individuals are to be directed and so need a licence.
- There needs to be further discussion on how the company plans to interview and report on the individual competitors. Although it cannot guarantee who will go through to later rounds, the company should introduce the featured individuals from all schools to the chaperones and other crew who will support them away from home. This will help the children to feel more settled should they have to spend time away from home.
- A wide-ranging risk assessment is needed, covering issues from the suitability of the sporting venues to be used to the impact of filming and interviewing, plus any issues affecting the health of the children involved.
- The schedule for filming needs to manage the children’s time to reduce the hours they will spend in or around the sports field. Warm-up and recovery time has to be considered.

- Arrangements for children who reach the next rounds need to be clear, so that the accommodation, location and chaperoning meet the children's needs. It is possible that all the children who spend time away will be subject to a licence if it involves time out of school, but this could be resolved once the first round is completed. In this instance, a licence could be issued on the condition that the licensing officer is informed of further dates and times as soon as possible.
- Children who do make it through must receive education for the time they are away from home, unless the event is filmed during school holidays. The headteacher(s) involved will need to be informed and give their consent to the children's involvement.
- The authority also asks for details of the other local authority areas where the company plans to film, so that it can work with those other authorities to develop a consistent approach to licensing.

The authority conducts its own research into the background of the company before the company provides the information and changes requested.

2. Key issues

Risk assessment

Risk assessments are key to making sure that all those involved in a performance or activity, not just the children, are safe and secure while they are taking part. They have to consider all the factors that could affect a child's well-being, health and safety in any performance or activity, not just those where the children require a licence. So school productions, those where the child has performed for fewer than four days or those covered by a BOPA, will all need to carry out assessments appropriate to their situation.

A large theatrical production or major television company is likely to need more wide-ranging risk assessments than a small event run by a voluntary organisation. But there needs to be an assessment that properly reflects the issues that may pose a risk to the child and an appropriate response to mitigate that risk. This will not be limited to the physical environment – such as trip hazards in a theatre or the risk of injury in a sporting event – but has to cover the issues of support for the child, emotional pressure and problems, and child protection and safeguarding.

Very young children may face specific issues around pressure of work and separation from their parents/carers, for example, which would be made worse by events such as transport not being available on time. Older children may find themselves under pressure to behave as adults, being left in charge of younger children or expected to take on roles which assume adult experience of the world. There may also be tensions between age groups and inappropriate behaviour, such as bullying or harmful comments between children or with others.

So an effective risk assessment needs to cover a wide range of matters, usually including the following.

- Injury – environmental hazards, from tripping over equipment to falling from heights, to the effect of weather conditions on the children when filming on location.
- Ill health – exposure to dangerous materials, environments and potential infection, as well as dehydration, sudden illness and tiredness.
- Psychological harms – exposure to damaging behaviour and experiences, such as from the script, other children and cast members, the audience and others.
- Lack of adequate management control, so that the conditions placed on the licence or approval are not being enforced.
- Logistical issues – adequate space needs to be given so that audience members and performers are kept separate at all times.
- Lack of competent staff and chaperones.
- Failure to ensure valid consent.
- Failure of supervision.
- Unsuitable transport arrangements.
- Excessive performance demands – with regard to individual characteristics of performers, so that children are pressed to do more and more work when they should be given more time to rest.

- Inadequate provision for emergencies.
- Unwelcome contact – physical or other invasive/abusive contact.
- As well as considering risks to the child during the period of performance, activity or rehearsal, the risk assessment should also cover factors that could affect the child’s well-being after they have taken part in the performance or activity, as a consequence of it.
- The risk assessment should set out proposed actions to be taken that will mitigate or remove any significant risks. It is best practice to include other more general health and safety information in your risk assessment, e.g. site arrangements, welfare facilities, chaperone arrangements and first aid facilities.

The local authority licensing officer should ask to see a risk assessment before any licence or approval is granted. After it has been agreed, the risk assessment needs to be regularly reviewed and updated – changes of cast and staff, script changes, even a prolonged spell of good (or bad) weather can have an impact on the risks faced by the children.

The approach to risk assessment should reflect the level of risk anticipated. It is down to the judgement of those taking responsibility for the performance or activity as to the detail and level of likelihood their assessment takes account of, but it also must not be a quick ‘box ticking’ exercise which takes no account of the specific circumstances involved.

Start with any existing documents – such as the venue’s own risk assessments and your own child protection policy – and build from those. Think about what is not covered by existing documents, what specific needs the children have, and how you will make sure they are all properly supervised at all times. In some cases, the script will offer further issues, especially if it deals with ‘adult themes’ or illnesses that might have affected children’s families. The risk assessment would then need to address how to avoid upsetting them and how to reassure parents/carers that the material will not have an adverse effect on their children.

It is not possible to eliminate all risks. Every individual and organisation will have a level of risk that they are willing to accept. But risks affecting children should be reduced or removed as much as reasonably possible and the assessment will need to say how the applicant will manage the remaining risks.

Where a licensing officer is concerned that a risk assessment is not sufficiently robust, the officer should ask the company for specific statements on how they plan to exercise their responsibilities to safeguard children. Officers can also circulate ‘good practice templates’ to demonstrate the level of detail expected, such as the following.

On arrival, the location manager will carry out a physical assessment of the environment. If at any point new risks arise they will evaluate the risks and update the risk assessment. If any risks are deemed too severe, an alternative plan will be developed. At all times the safety of the children will take priority over filming.

As well as the parents/carers being present at all times, we have engaged a trusted professional chaperone to monitor the times of performance and to avoid any risk of reducing the priority which should be given to safeguarding the child. Children will be briefed clearly before all activities, and will not be made to take part in any activity they are not happy with. They will be told to let the director, their parents/carers or chaperone know if they are not happy with anything, and filming will cease immediately if a child is in distress. We will remain aware that some children will find it hard to say no to requests from television crews and will consult with the parents/carer/chaperone who will also monitor the well-being of the child. All production team members have been DBS-checked and have completed a course on working with children. The team are experienced at working with children, and most production members have worked on other shows involving children previously. Children will not be left alone with any crew member, and the crew have been briefed of this to make sure that it does not happen.

Licensing officers could ask for daily records (as long as it is within six months of the performance) to check regulations are met and that open licences are within the Regulations.

Where a BOPA is required, it is best practice for children's names and details to be included, where possible, before a performance. However, it is recognised that sometimes it is not possible to provide this level of detail until nearer or even after the performance.

Joint working

It is clearly in everyone's best interests, including those of the child, for the licensing process to work as smoothly (and as quickly) as possible. That is more likely to happen when the applicant and the authority work together and develop an effective working relationship. This needs good communication, open minds and, above all, no surprises.

Where there are companies and groups who regularly apply for licences, they and the local authority should discuss what is being planned, what limitations exist and how best to meet each other's needs. This could involve visits to the company to discuss licensing requirements, explaining the inspection process that will be used and developing links with different levels of the company to make wider discussions easier. For example, when a new producer moved into one local authority's area, this is what happened.

'Fiction factory' representatives made us aware that the company were to open a studio in Caerphilly, the intention being to use learners from the local Welsh-medium secondary school as a starting point.

We met with them to go through some of their requirements in terms of numbers and discussed their safeguarding policy and set a timeframe for receipt of the complete applications; at that point they were looking at approximate numbers of 50-plus twice a year. The school were also utilising the studio as part of their drama studies which enhanced learners' experiences.

We felt it was a valuable exercise, as it limited the amount of queries that are inevitably raised under the current application system and allowed for a seamless and efficient process.

Communication channels should always be open – producers and organisers should try to give licensing officers warning if they are expecting to make a large number of applications for licences, especially if they will be at relatively short notice, and authorities should let potential applicants know if there are certain times in the year when approvals may take longer due to larger numbers of applications.

Similarly, if a child is the subject of repeated applications for a licence, it makes sense for the authority to hold certain information that can be used for each application and which would be confirmed by the applicant. Photographs should be updated every six months, but it should be possible for applications for licences for 'frequent flyers' to be made simpler by joint working between applicant and authority.

Good practice in joint working also extends to the families of the children involved, as in the following example.

On receiving a performance licence application from a small film company and after reading the application and the nature of the (14-year-old) child's part, the licensing officer decided to ask for the script. Another authority did the same as both licensing officers had contacted each other with concerns about the part the child would be playing. On receipt of the script it was apparent that the content included partial removal of a nightdress, smoking of cigarettes and a lot of swearing.

Both licensing officers contacted production and were informed that the child would not be on set to witness any of the scenes that we were concerned about. The first authority also decided to contact the child's parent to voice their concern and ask them if they had seen a copy of the script. The parent hadn't thought to ask for a copy but after the conversation they did ask for the script and then asked for changes to be made. After lengthy discussions with production and parents, a few changes were made to ensure the child would not be privy to any unsuitable material and the parent would be in attendance at all times. At that point the licensing officer was satisfied that the child was suitably protected and felt able to issue the licence.

Working with other local authorities is a key part of ensuring that licensing officers have all the information they need to decide on an application. This includes areas such as checking registered chaperones listed on licence applications and notifying each other of performances taking place in their areas. They also need to work with their own schools and education departments, not only to get the information needed for applications but also to make sure that schools are aware of the requirements they have to meet – schools may believe that they are completely exempt from the licensing process but, especially when taking part in events organised by others, they need to work with the licensing officer to ensure they are working within the law.

The Trooping of the Colour Parade was held at the Millennium Stadium, Cardiff, in June 2015 involving many children from across Wales. Many of the performers and their dance/choir teachers did not realise that the children needed to be licensed as they were missing school for that day. With joint working with Cardiff and other authorities involved, and many e-mails and telephone calls to production and others, children were successfully licensed and able to take part in an important and memorable event. Officers were also given enough time to look at the applications and issue them accordingly.

There are limits to flexibility, as one authority explains.

Open licences were issued to an applicant on the provision that production would inform both the licensing and host authorities of the dates and times on which the children were performing. This hasn't happened in some cases and applicants have been told that this could mean that future applications for open licences will not be granted. In at least one case, the licensing officer issued a licence for the second time again, on the understanding that they will be informed of the dates of performance, although they felt that they should

not have done so – and the applicant again ignored the e-mail requests for information on performance dates. The authority will not be issuing a third open licence to this company.

Four-day rule

The exemptions in the Children and Young Persons Act 1963 are not affected by the new Regulations. The wording of the relevant part of section 37 is:

‘(3) A licence under this section shall not be required for any child to take part in a performance to which subsection (2) of this section applies if no payment in respect of his taking part in the performance, other than for defraying expenses, is made to him or to another person, and—

(a) in the six months preceding the performance he has not taken part in other performances to which subsection (2) of this section applies on more than three days’.

All performances in which the child has taken part in the previous six months will count for the purposes of the four-day rule, even performances for which a licence was not required, such as those arranged by certain types of school or organised under a BOPA.

The exemption cannot be used for children undertaking sporting or modelling activities. Similarly, the Act is clear that the rule cannot be used when a child is being paid (or payment is being made on their behalf). In either of these cases, a licence will be needed for the child to take part in the performance or activity. The rule can also not be applied if a child is required to be absent from school.

The four-day rule can be summarised in saying that it is the fifth day of working that would remove the right to use the four-day rule.

The authority will usually only know about plans to claim this exemption if the individual or organisation discusses the situation with them, which is best practice. The individual or organisation should write to the authority explaining that they are using the four-day rule. The accepted standard is that there are ‘**reasonable grounds**’ for the rule to be used if the parent/carer states that, to their knowledge, the child has not worked a ‘fifth day’.

The person responsible for the performance should have ‘reasonable grounds’ to believe that the child has not performed on more than three days in the last six months and therefore qualifies for this exception. Best practice is to have this confirmed by the child’s parent/carer in writing.

The person responsible for the performance should advise the parent/carer to consider all of the following when counting the days of performance.

- School plays and performances where people have been charged for entry.
- Any performances where a BOPA was granted for some or all of the children, including this child.
- Any involvement in performances by professional, amateur or community groups in a specific role or as part of the cast or chorus.
- Any performances for which the child was paid or was covered by a licence.

This includes performances in events different to the one the child is about to take part in – so, for example, a child who is about to take an acting part in a play needs to count the times they performed in a dance show three months earlier. Robust record keeping is important in these instances and parents/carers need to be open about how much work the child has undertaken.

Despite the four-day rule, it remains best practice that local authorities are informed of a performance. Please see appendices for template forms to use for unlicensed performances.

Accommodation and travel

The licensing authority must approve any accommodation where a child is to live away from home in order to take part in a performance or activity, to ensure that the place is suitable for that child. In addition to approving accommodation, the licensing authority should make sure that suitable transport arrangements are in place, that proper provision has been made for meals, and that any other conditions that might be needed to protect the child's health and well-being have been set out.

The local authority will need to ensure that the accommodation is comfortable and safe for children, and that suitable chaperones are with them if their parents/carers are not present. While physical checks of the accommodation may not necessarily be required, the licensing authority may need to check that the accommodation is suitable with the host authority if the performance is not taking place in their area.

The following is an example.

Two children are to be accommodated in a large well-known chain hotel. The rooms the children are staying in are on the second floor away from the public reception area, bars and restaurant, and have interconnecting doors for the chaperone who will be staying with them. The theatre the children will be performing in is within walking distance of the hotel and it is proposed that the chaperone will walk with the children to the theatre as they will be arriving at 1.30p.m. A taxi has been arranged to take the children and chaperone back to the hotel in the evening at 10.30p.m.

As the hotel chain is known and accepted as suitable an inspection is unlikely to be required. Travel arrangements have also been fully considered and are appropriate.

Here is another example.

A television company is planning to accommodate six children filming in the centre of London. They have suggested accommodation in a large house 40 minutes away from the centre of London. Parents will be staying with their children along with members of the crew.

In this situation, travel arrangements and call times must be fully considered due to the distances the children will have to travel along with the additional factor of traffic build-up and likely delays going to and from the centre of London. It might be that as the authority will consider the children's travel time each day, this journey is considered to add too much to the children's day and the company is asked to consider finding accommodation much closer to the centre of the city.

Other factors for consideration are the arrangements for the crew and for the children and parents, as appropriate relaxation time is required for both in separate areas. The crew will require 'down time' away from the children so that they can relax as adults. This allows the crew the chance to relax in ways appropriate to them, and similarly the children and their parents can relax in ways appropriate to them.

An inspection will need to be made to ensure the accommodation is suitable. If not, the authority may ask the company to find separate accommodation for cast and crew because there is no appropriate way to safeguard the children's well-being without them staying in different places. Discussions will need to take place with the production executives, parents, children and crew so that the arrangements are understood and agreed by all involved.

In addition, travel arrangements, start and finish times and the number of days children are required to work in a week will need to be considered, discussed and agreed with the production executives, given the amount of time that children will be travelling to and from the accommodation and the place of performance.

Breaks and time limits

The Regulations and the guidance set out the maximum number of times that children can take part in a performance or activity, the hours that can be spent and the earliest and latest times they can attend at a place of performance or rehearsal, as well as the minimum breaks they should have during the day and between performances.

In general, it is not acceptable for an application for a licence to state that the child will attend and perform 'within the statutory limits'. An application should be clear about the hours that a child is expected to work and the times they will be expected to be available. The licensing authority will then be able to consider whether the hours proposed are appropriate for the child and adjust the terms of the licence if needed. As the authority has to consider the overall impact on the child's health, education and well-being it may feel, for example, that shorter days would be better for that child to make sure that their well-being is not compromised.

Authorities are also able to consider the impact of time spent travelling to and from the place where the child is performing. This will especially be the case when the child is relatively young or inexperienced, or where travel would mean that the child would have to leave home before the earliest starting time (7.00p.m.) or arrive home after the latest finishing time (10.00 p.m. for children under the age of nine and 11.00p.m. for children aged nine or over). In this case, the authority may want to change the start and finish times for the child so that their day is not too long.

If children are to perform after the latest finishing time, this can be agreed at the chaperone's discretion up to one hour after the latest time. This should only happen in unforeseen circumstances that are outside the licence holder's control and must be reported to the authority the next day. If a production wants a child to work at night, this must be explained in the licence application and is subject to restrictions including a maximum of two consecutive nights and longer breaks for the child.

Chaperones

A chaperone is the key person to whom the child looks for guidance, protection, clarification and support. Each chaperone must be engaged by the person responsible for organising or producing the activity or performance a child is engaged in, unless the child is in the care of their own parent/carer or a teacher who would ordinarily provide the child's education. In many cases, particularly in professional theatre performances or in television/film work, licensed chaperones will be engaged and work alongside parents/carers and teachers as they have expert knowledge of the Regulations.

A chaperone's first priority is the child. They must be able to negotiate with the production company/organiser and be able to say no if what is being requested of the child is contrary or detrimental to the child's health, well-being or education. In circumstances where a chaperone is also employed by the company or organiser in another role (such as a runner), they must not perform any other duties while they are acting as a chaperone.

Chaperone approval

Local authorities must approve all chaperones working on a performance or activity, whether they are paid or not, when acting as a chaperone for a child or children. The regulations require the local authority to take into account a number of factors when approving a person as a chaperone. It must ensure that a chaperone has proper care and control of the child and that they safeguard, support and promote the well-being of the child while the child is engaged in a performance or activity, or while the child is living away from home.

Local authority processes for approving chaperones vary but when considering a chaperone's suitability the following is advised as a matter of best practice.

- An enhanced-level DBS check should be made.
- An interview to assess the chaperone's suitability and competency for the role should take place, which would also allow the local authority to explain the expectations of being a local authority-approved chaperone. This interview may take place on a one-to-one basis or through a structured training programme, although using both assessments would be more robust.
- Two verifiable references should be obtained from people who are not known solely to the applicant through the organisation for which they wish to become a chaperone.
- Child protection training should be provided to new applicants and refresher training for existing chaperones, which will include knowledge of the categories of abuse, signs and symptoms of abuse, what to do if abuse is suspected or reported, and who to inform.

As best practice, local authorities should share information on rejected chaperones with the DBS.

In Wales, it is compulsory for a new chaperone to have training on their role and legal responsibilities. This training should take place before a chaperone is licensed, but if the authority decides to license a chaperone before training, the chaperone will require training to be undertaken in a reasonable time after the licence is issued.

Training could be delivered through local authority-managed training sessions, through the provision of manuals, guidance documents, DVDs or online training packages.

Additional training for chaperones who work in a professional setting such as professional theatres, film, or TV productions might cover:

- the production techniques and requirements of major theatre, TV or film productions and requirements on 'location'
- key aspects of child development, e.g. attachment, cognitive abilities (ability to consent), conformity (sensitivity to overt pressure), emotional vulnerability (sensitive topics such as body image), effects of anxiety and fatigue, and non-verbal communication.

Limit on numbers

Chaperones can only be responsible for a maximum of 12 children or, if the chaperone is also the teacher who ordinarily provides the education of the child in question, three. However, this may be reduced significantly depending on the children's age, gender or additional needs, etc. Other factors which are taken into account are the venue or location (particularly when this is outdoors), facilities such as dressing rooms, and individual children's performance times. While the local authority will consider appropriate ratios during the application process, each chaperone should also ensure prior to their engagement that the ratios they will manage are reasonable and appropriate given their experience, the age and needs of the children and the arrangements for the children's care.

Chaperones' discretion on extended working and outdoor breaks

The chaperone in charge of a child may allow that child to perform for a maximum of one hour immediately following the latest performing time for a child of that age, providing this time does **not** exceed the child's total performance hours. A chaperone must only agree to any additional time if they consider that the child's welfare will not be prejudiced and that the conditions requiring the child to perform after the latest permitted time for a child of that age was owed to circumstances outside the control of the licence holder, such as technical difficulties. In these circumstances the licence holder must ensure that the chaperone notifies both the licensing authority and the host authority no later than the following day.

A chaperone may also use their discretion to reduce one of the child's meal breaks to no less than 30 minutes if the child is performing outside, provided that the child does not exceed the maximum performing hours by doing so.

Dos and don'ts for chaperones

Do:

- **check the child is comfortable** – you are the person to whom the child looks to for guidance, protection, clarification and support
- **stand up for the child above production pressures** – one of a chaperone's greatest strengths is their 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 the child's health, well-being and/or education
- **be the child's champion**
- **report any concerns, know who to report them to, and know what to do in each case** – chaperones should keep a note of important contacts, including the child's licensing authority, the local authority in whose area the child is performing, the child's agent and the child's parent/carer
- **ask to see a copy of the licence** (where a licence is required)
- **exercise discretion where that is in the best interest of the child**
- **be alert to all possible risks to the child**
- **challenge people and/or behaviours.**

Don't:

- **let the child perform if they are unwell**
- **leave the child alone with another adult** (unless it's their parent/carer or teacher)
- **take photos of the child**
- **seek autographs from performers or get star-struck**
- **ignore or downplay questionable behaviour from adults or other children**
- **allow the child to be pushed into things that they don't want to do**
- **use inappropriate language or smoke while on duty**
- **consume alcohol or be under the influence of alcohol while on duty**
- **wear inappropriate clothing.**

Adapted from *Examples of Best Practice – Child Performance and Activities Licensing by Local Authorities in England* (Department for Education, 2015).

Summary guidelines for drama teachers, other practitioners and managers

Safeguarding children

Everyone working with children and young people must:

- treat the learners' welfare as paramount
- treat them with fairness, dignity and respect
- be aware of indications of abuse and neglect
- be alert to the risks that individual abusers or potential abusers may pose to them
- protect them from harm, abuse, neglect and exploitation
- allow them to express their views on matters that affect them
- cooperate fully with other agencies in the interests of safeguarding children and young people
- report any concerns in accordance with the organisation's procedures for safeguarding children and for whistle-blowing.

All drama practitioners must follow the policies and procedures for safeguarding children in their organisation. These policies should be based on *Keeping learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002*, as well as *Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People* (Welsh Government, 2016) which can be accessed at www.gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en. Schools and colleges must create an environment where teachers can come forward and speak up if they see signs of inappropriate behaviour, unethical conduct or wrongdoing.

Creating a safe environment for drama lessons and activities

Managers must:

- monitor and review the schemes of work of drama teachers and know what activity is planned in lessons and in rehearsals
- agree with drama teachers the texts that children and young people will study and perform
- be aware of rehearsal times and locations, and the learners involved
- make sure that the accommodation for drama is open and accessible to all staff
- undertake visits to monitor drama sessions and to support the drama teacher in their inclusion in the wider work of the organisation
- ensure that systems are in place to promote a safe environment for children, young people and staff, especially where the drama teacher is working in isolation
- make sure that the child or young person is comfortable with any rehearsal arrangements that take place outside of normal classroom activities
- make sure that other staff who are involved in drama only occasionally (e.g. during the school play) are aware of these guidelines and follow them
- make sure that children and young people are clear about what they can expect in drama lessons, know the organisation's complaints procedures and, where necessary, have an appropriate advocate.

Drama practitioners must:

- create an open environment for the teaching of drama in order to protect the children and young people, and themselves
- create a culture of openness where it is natural and common for other staff or managers to 'drop in' on lessons and rehearsals
- keep senior managers informed of any rehearsals that take place outside the normal teaching hours
- keep senior managers informed of any rehearsals that take place with individual learners and make sure the location and environment in which that work takes place is as open as possible
- make sure that the child or young person is comfortable with any rehearsal arrangements organised outside of normal classroom activities.

The selection of appropriate drama texts

Drama practitioners and managers must:

- consider carefully and approve the texts that children and young people will study during the drama scheme of work, and adapt plays where appropriate
- approve the texts that children and young people study for examinations and follow the rules from the awarding bodies about submitting improvised scripts
- resolve any difficulties jointly and in the best interests of the children and young people.

Adult participation in drama and mixed-age groups

Drama practitioners and managers must make sure that:

- drama lessons are a vehicle for children and young people to develop their own performance skills
- the focus of drama lessons is on giving learners the appropriate skills, knowledge and understanding to progress in drama
- they only intervene in group improvisation to model techniques or to create a new character and not to use the lesson as a vehicle for their own performance
- there is no intimate, sexual contact between learners or between children and adults
- when working with a mixed-age group, the needs of the youngest or most vulnerable learners are given priority
- where learners take part in professional drama productions, this is with the informed consent of their parents or carers, and there are appropriate chaperoning arrangements in place.

The use of improvisation and other dramatic techniques, including 'method acting'

Drama practitioners and managers must:

- monitor improvisations carefully to make sure that they do not become inappropriate and that the practitioner remains in control of the activity
- keep the learners focused on the activity

- be prepared to stop or adapt any improvisation if there are signs that it is going too far or if children or young people are uncomfortable with what is happening
- be able to justify the activity on the grounds that it is in the best interests of the child or young person
- make sure that the activity does not lead to any harm, abuse, humiliation or neglect of children or young people
- make sure that the improvisations are appropriate for the ages of the learners
- not use 'method' acting' as a technique for practical work with pre-16 learners and limit its use carefully in post-16 work.

Nudity and intimate sexual contact

Drama practitioners and managers must:

- never allow nudity or intimate sexual contact in drama lessons or productions
- make sure any physical contact is justifiable and acceptable
- make sure that any physical contact between the drama practitioner and a child in the course of dramatic work is justifiable, agreed by the child and is approached carefully and sensibly by the practitioner, using a stepped approach.

Strong, offensive language

Drama practitioners and managers must:

- limit the use of offensive language in performances by pre-16 learners
- use their common sense and make sure that any language used can be justified in terms of its dramatic impact and purpose
- make sure that the language used remains appropriate to the learners' level of maturity, the nature of the group and the vulnerability of individual learners
- make sure that the learners feel comfortable with the language being used.

Video recording and parental consent

Drama practitioners and managers should obtain consent from parents/carers before taking photographs or making video recordings of learners. The same applies to photographs and video recording of adults. (This will include photographs or videos posted upon the internet or shared by any electronic or digital means, including social media and e-mail.)

Adapted from *Teaching Drama: Guidance on Safeguarding Children and Child Protection for Managers and Drama Practitioners* National Assembly for Wales Circular 23/2006 (2006).

3. Checklists: the Children and Young Persons Acts 1933 and 1963 and the Children (Performances and Activities) (Wales) Regulations 2015

Accommodation inspection report

Inspections are carried out to satisfy ourselves that the lodgings are clean, comfortable and suitable for children, with sufficient bedrooms, bedding, lavatories, washing facilities, and suitable facilities for meals, if meals are to be taken at the lodgings.

The authority may impose any condition they think fit to bring a particular facility or item of equipment up to the standard they think necessary for the child's welfare (Regulation 18)

Date of inspection	
Time of inspection	
Place of inspection	
Name of visiting officer	
Name of authority carrying out inspection	
Name of production	
Name(s) of child(ren)	
Name of chaperone and authority registered with	
Name of authority requesting the inspection	

Particulars of inspection:	
Bedroom(s)	
Bathroom and/or en suite	
Toilet(s)	
Smoke alarm(s)	
Fire extinguisher(s)	
Evacuation procedures info and exits	
Furnishings	
Decor	
Telephone, Wi-Fi, etc.	
TV, DVD, etc.	
Security	
Has the inspecting authority any concerns regarding this accommodation?	
Actions required by the inspecting authority	
Additional comments	
Signature of officer	

Checklist for licensed chaperones – arrival at the venue

<ul style="list-style-type: none"> • Arrive before the children, especially if the venue is not known to you. This will give time to have a look around and meet other people involved in the event. • Make yourself known to the licence holder or their deputy and any other relevant person (e.g. stage/floor manager, dressers, etc.). • Check all areas to be visited by the children for any hazards. • Check fire exits for ease of passage. • Find out what the fire alarm sounds like and arrange a fire drill involving the children. • Check the first aid facilities and if there is a qualified first-aider on the premises. • Check that dressing rooms, toilets, school room, rest room, meal arrangements and any other facilities are suitable and away from those used by audience members. • When checking dressing rooms, remember children aged five years or over must only dress with other children of the same sex. • Liaise with any other chaperones who have been employed, and work as a team. • Have a list of the names of the children you will be caring for. If there are more than 12 children each chaperone must be sure who is looking after which children. 	<ul style="list-style-type: none"> • Check each child's performance licence and note any conditions endorsed on it. The licence holder's copy must be available at the place where the event takes place. • Ensure there is a list of the children's home and emergency contact details which you can get access to at all times in case you need to contact the parent/carer. • Check with the licence holder to ascertain whether any child has medical problems or requirements. This information is strictly confidential but, as a chaperone, you need to know. If a child becomes ill there may be something in the notes that will give you some indication of the problem. If the child is taken to hospital or is seen by a doctor, the fact that a child is taking medication may have an effect on the treatment. You may need to remind a child to take their medication at a specific time. • If you are unhappy with any of the facilities or arrangements you must voice your concerns to the licence holder and negotiate better conditions. If these negotiations are not successful you must consider whether you are going to allow the children to take part in the event. In these circumstances you must inform the appropriate local authority as soon as possible with the details of the problem(s) and the action you took. • Check the company's child protection policy and be clear about what it means.
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Checklist on arrival at the venue

You may find it useful to photocopy this page to use at each job you attend.

Name of venue:	Tick
Familiarise yourself with the venue's layout	
Identify all hazard areas	
Locate all fire exits	
Ask to hear sound of fire alarm	
Arrange fire drill (with alarm) for children	
Locate first aid facilities	
Check who the production contact is for concerns/problems	
Inspect dressing rooms (separate for age five years and over)	
Locate and inspect toilets	
Locate and inspect rest rooms	
Locate and inspect school room (if applicable)	
Check on meal arrangements	
Check total number of children	
Check total number of chaperones	
Acquire list of children's name	
Check each child's performance licence	
Ensure you have emergency home contacts for each child	
Where relevant, ensure you have details of each child's medical problems and/or medication	
Ensure each child is signed in and out by an authorised adult	

Checked by: _____

Date: _____

Checklist for licensing or host authority – performance

Name of production	
Name of production company	
Name of inspecting officer	
Date of this visit	
Place visited	
Record the names of all children present and the name of authority that issued their licence(s) (see attached sheet)	
1. Chaperones	
a. Is the chaperone's licence available? If not, why not?	
b. How many children is each chaperone caring for?	
c. Is the supervision satisfactory? Please see note attached	
d. Has there been any illness or injury since last visit?	
e. If so, how was this dealt with?	
f. Have the circumstances been recorded?	
g. Have there been other problems?	
h. What was done to overcome them?	
i. Do chaperones have a contact point for all parents/carers?	
j. What arrangements are there for first aid and medical assistance?	
k. Does the production company or organisation have a child protection policy?	
l. Is there a designated member of staff for child protection? Give the name of the designated person	

2. Travel arrangements	
a. What arrangements are made for the child(ren) to get to theatre, etc.?	
b. What are the arrangements for getting home? Are they satisfactory?	
c. If not, what changes should be made?	
3. Records	
a. Is there a licence for each child present?	
b. Are they adequately kept?	
c. If not, what changes should be made?	
d. Who is responsible for keeping them? (Other than private tutor)	
4. Accommodation	
a. Do all children have separate changing rooms from adults?	
b. Do girls and boys over five years have separate dressing rooms for each gender?	
c. Are dressing rooms clean, adequately ventilated and generally satisfactory?	
d. Are there separate toilets for the children?	
e. Are the toilets clean and satisfactory?	
f. Are washing/showering facilities for children clean, sufficient in number and satisfactory?	
g. Are washing/showering facilities separate from adults?	
h. Do children use other accommodation, e.g. rest rooms, green room?	
i. Is it satisfactory?	

j. When not actually working, are children suitably and adequately occupied?	
k. Have there been any changes in accommodation since last visit?	
5. Private teaching (if provided and included in licence and application)	
a. Has the teacher been approved by the local authority? Give teacher's name	
b. Is the teaching accommodation satisfactory?	
c. Did the officer check, initial and date records?	
d. Does the teaching seem adequate?	
e. Has the teacher any problems?	
f. How should these be overcome?	
6. Children (ensure that each child is seen)	
a. Do they seem happy?	
b. Does the relationship with the chaperone and the teacher seem satisfactory?	
7. Chaperone's discretion and outdoor working	
a. Has the chaperone allowed extra work time? If so, give details. When was licensing authority informed?	
b. When outdoors – are children protected from inclement weather?	
c. When outdoors – have children proper clothing?	
8. Complaints	
a. Does the visiting officer have any complaints following inspection?	
b. What instructions/advice was issued as a result, and to whom?	

9. General comments	
a. Does care/supervision of children seem satisfactory?	
b. Do the children seem to be worked too hard?	
c. General remarks, if any	

Signature of visiting officer:

Date of report:

4. Model application forms: the Children and Young Persons Acts 1933 and 1963 and the Children (Performances and Activities) (Wales) Regulations 2015

Model child performance and activity licence application form (Wales) for children [living /taking part in performance or activity] in the boundaries of [city/county/county borough] Council

Application for a licence for (child's name)	
to take part in performance/activity organised by (production/organisation's name)	
made by (applicant's name)	

Note: This form should be completed and submitted to the licensing authority not less than **21 days** before the first performance or activity for which the licence is requested, since the licensing authority may otherwise refuse to grant a licence.

References to "the Regulations" mean The Children (Performances and Activities) (Wales) Regulations 2015.

Part A: Information to be provided by the applicant in relation to the child

See regulation 4 and Part 1 of Schedule 2 of the Regulations.

The applicant will usually need to obtain this information from the child's parent/carer. The child's parent/carer needs to sign the completed form, but the form should be submitted by the applicant unless the parent/carer is also responsible for organising the performance or activity.

A1. Child's name	
A2. Child's home address	
A3. Child's date of birth	

A4. Name and address of the school the child currently attends or If the child is not attending school, the name and address of the child's private teacher	
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<p>A5. Details of each licence granted for the child during the 12 months preceding the date of the application by any local authority in Wales or England, or any education authority in Scotland, other than the licensing authority to which this application is made¹, stating:</p> <p>a. the name of the authority</p> <p>b. the date the licence was granted</p> <p>c. the dates and nature of the performances or activities</p>	

<p>A6. Details of each application in relation to the child for a licence refused by any local authority in Wales or England, or any education authority in Scotland. Details of each application in relation to the child for a licence refused by any other authority in the last 12 months, other than the licensing authority to which this application is made, stating:</p> <p>a. the name of the local authority or education authority</p> <p>b. the reasons (if known) for the refusal to grant a licence</p>	

<p>A7. Details of any performances for which a licence was not required² in which the child took part during the previous 12 months, including productions that were exempt from the requirement to obtain a licence, stating:</p> <p>a. the date of the performance(s)</p> <p>b. the number of days of performance</p> <p>c. the title of the performance(s)</p> <p>d. the name and address of the person(s) responsible for the production(s)</p>	

¹ This will only be relevant if the child has moved between authorities in the last 12 months.

² Section 37(3) of the Children and Young Persons Act 1963: this includes performances organised by schools, where a BOPA has been granted, and where the child has performed for fewer than four days in the six months before the relevant performance.

<p>A8. Dates (if any) on which the child has been absent from school during the 12 months preceding the date of the application by reason of taking part in a performance or activity, including those which were exempted from the requirement to obtain a licence</p>	
<p>A9. Amount of any monies earned by the child during the last 12 months, stating whether the monies earned were in respect of performances or activities for which a licence was granted or a performance for which a licence was not required</p>	

Part B: Information to be provided by the applicant about the performance or activities

Please see Part 2 of Schedule 2 to the Regulations.

The **applicant** is the person responsible for organising the activity or performance, who will be responsible for ensuring that the licence conditions are met.

It is best practice that all organisations which involve children in performances, paid modelling or paid sport have or develop a child protection policy, regularly review and update it, and ensure that all staff and volunteers are familiar with it.

Title	
Name	
Job title	
Organisation	
Address	
Telephone	
Mobile	
e-mail	

<p>B1. Confirm that your organisation has a child protection or safeguarding policy, and that a copy is attached</p> <p>When was this last updated?</p>	
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<p>B2. Have you completed a risk assessment?</p> <p>If 'Yes', please attach it to this application</p> <p>If 'No', please explain how you will identify and mitigate risks to the child throughout the period for which this licence is requested</p>	
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<p>B3. Name and nature³ of the performances or activities in respect of which the licence is requested. (Please provide as full a description as you can about what the child will actually be required to do. Include information about the environment they will be asked to do it in and any other contextual information that may help us in assessing the potential risks, physical, emotional or psychological, to the child⁴)</p>	
<p>B4. Place of activities, performances and rehearsal for which the licence is requested, including any periods on location</p>	
<p>B5. The dates and times of activities, performances or rehearsals for which the licence is requested. If the dates are not known at this time⁵, please provide the number of days and the period during which it is requested that the child may take part in activities, performances or rehearsals</p>	
<p>B6. The expected total running time or duration of activities or performances (including any rehearsals) in respect of which a licence is requested</p>	
<p>B7. The approximate duration of the child's appearance in the performance or activity</p>	

³ For example, theatrical, musical, dancing, filming, sport, modelling.

⁴ It should not be necessary to provide a script – the description of the activity and context is more important.

⁵ This might be because the filming schedule cannot be fixed in advance, or the activity is dependent on weather conditions.

<p>B8. The amount of night work (if any) for which approval is being sought and please state:</p> <p>a. the approximate number of days⁶</p> <p>b. the approximate duration on each day</p> <p>c. the reason that the performance must take the form of night work</p>	

<p>B9. a. The sums to be earned by the child in taking part in the performance or activity</p> <p>b. The name, address and description⁷ of the person to whom or to which the sums are to be paid (if not to the child in question)</p>	

<p>B10. Where a licence is requested in respect of a performance, the proposed arrangements for any rehearsals prior to the first performance for which a licence is requested. For each rehearsal please state:</p> <p>a. the date</p> <p>b. the place</p> <p>c. the approximate time and duration</p>	

<p>B11. The days or half days on which leave of absence from school is requested to enable the child to take part in the performance, rehearsals or activity (You must attach a letter from the headteacher of the school that the child currently attends or, if the child is not attending school, from the child's private teacher, agreeing to the child's absence from school or education and stating that the child's education and well-being will not be adversely affected)</p>	

⁶ For these purposes any performance taking place after midnight and before the earliest permitted hour counts as an extension to the previous day. For example, if the child performs on Tuesday and then performs after midnight, in the early hours of Wednesday, that counts as one day (Tuesday).

⁷ If this is an individual, what is their relationship to the child? If it is a company or organisation, what is their relationship to the child?

<p>B17. The approximate length of time that the child will spend travelling to and from the place of performance, rehearsal or activity each day, including:</p> <p>a. arrangements (if any) to transport the child to that place</p> <p>b. arrangements (if any) to transport the child from that place</p>	
<p>B18. The name of any other local authority, or, in Scotland, education authority, to which an application has been made for another child to take part in performances or activities to which the application relates – if not known at the time of application, to be provided when known (this will help the relevant local authorities to take a consistent approach)</p>	

Signatures

I certify that to the best of my knowledge the details in this application are correct. I hereby apply for a licence under section 37 of the Children and Young Persons Act 1963.

Signature of applicant (To be signed by person named at beginning of part B)	
Name of applicant	
Date	

I certify that to the best of my knowledge the details in the application are correct. I agree to my child taking part in the performance or activity described above in part B.

I also agree to [insert fair processing and explicit consent clause under Data Protection Act 1998].

Signature of parent/carer (To be signed by person with parental responsibility ⁸ for the child named at the beginning of part A)	
Name of parent/carer	
Date	

Additional notes

- Electronic versions of this form and electronic documentation, including signatures, are acceptable.
- The applicant should ensure that the parent/carer and the chaperone are given a copy of the whole completed form, which the applicant has submitted to the local authority.
- Any person who fails to observe any condition subject to which a licence is granted or knowingly or recklessly makes any false statement in or in connection with an application for a licence is liable to a fine not exceeding £1000 (level 3 on the standard scale) or imprisonment for a term not exceeding three months or both (section 40 of the Children and Young Persons Act 1963).

⁸ As defined within section 3 of the Children Act 1989, 'parental responsibility' means all of the rights, duties, powers, responsibilities and authority which by law a parent/carer of a child has in relation to the child and their property.

Medical declaration to be completed and signed by child's parent/carer

Name of child		
Does your child have		If yes, please provide details including any treatment or medication
Asthma	Yes/No	
Any food allergies	Yes/No	
Any other allergies	Yes/No	
Any skin conditions	Yes/No	
Hearing impairment	Yes/No	
Visual impairment	Yes/No	
Any learning disability	Yes/No	
Any physical disability	Yes/No	
Any medical conditions	Yes/No	
Has your child been taking any regular medication(s)?	Yes/No	
Has your child seen, or been referred to, a hospital consultant in the last six months?	Yes/No	

I confirm that I have parental responsibility ⁹ for this child	Signature of parent/carer
	Print name
Postal address (if different from child)	
Parent's/carer's e-mail address	
Parent's/carer's telephone number	
Date	

⁹ As defined within section 3 of the Children Act 1989, 'parental responsibility' means all of the rights, duties, powers, responsibilities and authority which by law a parent/carer of a child has in relation to the child and their property.

Required documents

Please confirm that you have included the following documents¹⁰ with the signed application.

Document	Confirm
A copy of the child's birth certificate (scanned copies are acceptable – please do not send original hard copies) ¹¹ (Questions A1 and A3)	
Two identical photographs of the child taken during the six months preceding the date of the application – prints or an electronic likeness (e.g. a JPEG file) ¹²	
A copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances or regulating the activity for which the licence is requested	
The child protection policy or policies that the applicant will apply (Question B1)	
The risk assessment (if completed) for the performance or activity (Question B2)	
A letter from the headteacher of the school that the child currently attends or, if the child is not attending school, from the child's private teacher agreeing to the child's absence from school or education and stating that the child's education and well-being will not be adversely affected (Question B11)	
The medical declaration completed and signed by the child's parent/carer	

¹⁰ Regulation 4(1)(d) and Part 3 of Schedule 2 to the Regulations.

¹¹ In the **exceptional** circumstance where the child's birth certificate cannot be provided as part of the application (e.g. because they don't have one) the licensing authority may accept alternative evidence.

¹² The image must not be altered or enhanced in any way. It should be a full head shot taken in good light.

Model child performance and activity licence application form (Wales): headteacher's declaration

This declaration should be completed by the headteacher of the school that the child currently attends and submitted to the licensing authority by the applicant¹.

Child's name	
School name	
Name of performance or activity	
Nature of performance or activity ²	
Dates of activity, performance or rehearsal or The number of days and the period during which the child may take part in activities, performances or rehearsals, not exceeding six months ³	

Important: By completing this declaration, I (the child's headteacher) confirm that [delete where appropriate]:

1. the child **can/cannot** be absent from school on the dates or number of days in the period specified for the purpose of the stated activity, performance or rehearsal
2. the child's education and well-being **will not/may** be adversely affected as a result of taking part in the stated activity, performance or rehearsal

Signed:

Print name:

Date:

¹ Applicant – the person responsible for organisation of the activity or production of the performance.

² For example, theatrical, filming, sport, modelling, dancing.

³ Permission **must** be obtained from the headteacher for each occasion the child is to be out of school.

Model application form (Wales) for a Body of Persons Approval (BOPA) as an exemption from licensing requirements for performance(s) to take place within the boundaries of [city/county/county borough] Council

Children and Young Persons Act 1963 s37(3)(b)

1. Organisation details

Name of organisation	
Registered address of organisation including postcode	
Telephone no(s)	
e-mail address	

Name of applicant*	
Position in organisation	
Address if different (including postcode)	
Telephone no(s)	
e-mail address	

***Please note:** The applicant must be able to ensure the safeguarding and protection of the children involved in the performance(s) and have the authority to agree, on behalf of the organisation, to any terms and conditions set out by the local authority.

Please send completed application form and signed contract to:

2. Details of performance

If your performance/performances has/have already been arranged please complete Part A. If you have applied for a fixed-term approval and have not arranged the performances, please complete Part B. Do not complete both parts.

Part A

Performance title	
Address of venue including postcode	
Date(s) of performance(s)	
Time(s) of performance(s)	
Description of the performance(s) for which the approval is requested Please provide as full a description as you can about what the children will actually be required to do	

Continue to section '3. Safeguarding arrangements'

Part B

Describe the performance(s) your organisation plans to produce if the approval is granted This may be a general description but, where possible, provide as full a description as you can	
Where are these likely to take place? For example, community halls, professional theatres, shopping centres	
Which person(s) will be responsible for organising and overseeing individual performances? This may be a post in the organisation, a local leader or officer	
What arrangements do you have in place to ensure that: a. the applicant is informed of all performances being arranged by the organisation b. the organiser(s) of every performance are made aware of the conditions of this approval and of the legal requirements in place?	

Please send completed application form and signed contract to:

3. Safeguarding arrangements

Name of person responsible for child protection and safeguarding	
Position in organisation	
Address, including postcode	
Telephone no(s)	
e-mail address	

How do you ensure your child protection policy is followed throughout your organisation?	
What safeguarding training do you provide to those in your organisation who come into contact with children?	
What arrangements do you have in place for the supervision of the children at rehearsals and performances?	
When was your child protection policy last reviewed and by whom? Please attach a copy of the policy to this application	

4. Other applications

Have BOPA applications been made to other local authorities? If yes, which authorities and dates?	
Has your organisation ever had a BOPA refused? If yes, which authorities refused the application(s) and why?	
Has your organisation ever applied for a licence for a child to take part in performances or activities? If yes, which authorities and dates?	
Has your organisation ever had an application for a licence refused? If yes, which authorities refused the application(s) and why?	

Please send completed application form and signed contract to:

Declaration of compliance with The Children (Performances and Activities) (Wales) Regulations 2015

1. I confirm that no payment in respect of taking part in the performance(s), other than for offsetting expenses, will be made to any young persons or to anyone on their behalf such as a parent/carer.
2. I confirm that the child protection policy for the organisation is attached.
3. 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 performance(s).
4. I confirm that the organisation agrees to the terms as set out in the 'Contract of agreement' and 'Guidance' attached.
5. I confirm that no child of compulsory school age requires any absence from school to take part in the production.

Applicant signature: _____

Print name: _____

Date: _____

Please send completed application form and signed contract to:

**Model Body of Persons Approval (Wales) as an exemption from
licensing requirements for performance(s) to take place within the
boundaries of [city/county/county borough] Council:
outline contract of agreement**

Children and Young Persons Act 1963 s37(3)(b)

Name of organisation	
Address of organisation (including postcode)	
Telephone no.	
e-mail address	
Name and address of person responsible for the production	
Position in organisation	

The above organisation has applied to **[city/county/county borough] Council (the local authority)** to be approved as a body of persons under section 37 of the Children and Young Persons Act 1963. If approved, the organisation would be exempted from the need to apply for individual licences for children to perform within the boundaries of the local authority.

If approved, the organisation agrees to adhere to the following conditions.

1. No payment will be made to the child or to anyone else, on behalf of the child, other than for defraying expenses.
2. No child will be absent from school to take part in a performance given under the Body of Persons Approval.
3. The organisation will provide the local authority with details of each performance/rehearsal including the dates, times and location, together with the full name, date of birth and address of all children taking part, at least 21 days in advance of the first performance unless the authority has agreed to a shorter notice period. Any changes to the performance schedule must be advised to the authority in advance. The organisation will also provide the name and contact details of the lead person responsible for each performance.
4. The organisation agrees to comply with Regulation 11 and Regulations 17 to 31 of The Children (Performances and Activities) (Wales) Regulations 2015.
5. A risk assessment must be carried out in respect of each place of performance.
6. A suitably trained first aider must be present at each place of performance.
7. The organisation will ensure that an appropriate number of local authority-approved chaperones (see Reg. 17) are engaged to care for the children employed, having specific regard to their sex and age, ensuring that each child is supervised at all times. [Delete as appropriate]

Please send completed application form and signed contract to:

8. The organisation will ensure that an appropriate number of suitable adults are engaged to care for the children employed, having specific regard to their sex and age, ensuring that each child is supervised at all times. [Delete as appropriate]
9. The organisation agrees to any authorised officer of the authority having unrestricted access while any dress or technical rehearsal or performance is taking place at any venue that the organisation uses for such purposes.
10. The organisation will provide a written child protection policy to the authority.
11. The organisation will obtain a signed statement of fitness from the parent/carer of each child.
12. The organisation will ensure that a list of emergency contact details in respect of each child including any medical issues or additional needs is available at the place of performance.
13. The organisation will ensure that signing in and out sheets and daily record sheets are completed for each performance.

Contract of agreement

Name of organisation: _____

Failure to comply with any of the above agreements or conditions is likely to result in the local authority revoking the body of persons exemption with immediate effect.

Failure to comply with the Children and Young Persons Act 1963 s.37 and The Children (Performances and Activities) (Wales) Regulations 2015 is a criminal offence, which on conviction carries a maximum penalty of £1,000 or three months' imprisonment or both, for each offence.

In signing this declaration you agree to the terms and conditions above.

Signed _____

Print name _____

Position in organisation _____

Telephone no. _____

Date _____

Please send completed application form and signed contract to:

Generic guidance: children in performances and activities risk assessment – risks and mitigation

Introduction

1. In assessing the potential risks that may arise from a child's participation in a performance or licensed sporting or modelling activities, applicants for a licence must take account of all factors potentially affecting the well-being of children and young people.

Well-being

2. An understanding of children's well-being builds on the rights set out in the United Nations Convention on the Rights of the Child (UNCRC), an international treaty which sets out the guarantees that each and every child must have if they are to enjoy a healthy and happy life. While the UNCRC describes the guarantees that every child can expect, the term 'well-being' describes the positive outcomes that children are likely to experience as a result of those guarantees being delivered. This holistic approach to well-being includes the need for the child to be safe, healthy, achieving, nurtured, active, respected, responsible and included.

Risk assessment

3. While participating safely in well-managed performances or activities can have many positive benefits for the well-being of children and young people, there is potential for children involved in these activities to be exposed to risks to their immediate safety and longer-term well-being. For this reason, applicants are required to undertake a careful analysis of the risks and potential harms arising from the child's particular involvement in a performance or activity and to put in place measures to negate or mitigate any possible negative impact on the child's well-being. A copy of the completed risk assessment must be submitted as part of the licence application process.
4. The following must be considered within any assessment of the risks.

Individual needs of the child

5. Children and young people differ in their vulnerabilities and resilience. Their age, gender, physical and mental capacity, maturity, cultural, ethnic and religious background and their previous life experiences can all affect how they might respond to the specific circumstances and nature of a performance. These must, therefore, be considered when assessing the distinct risks to which individual children might be exposed in consequence of their participation in a performance or activity.

Consent

6. The autonomy and dignity of performers or those taking part in an activity should also be respected at all times. This means that valid consent must be in place throughout the performance or activity and a right to withdraw at any point should be made clear to each participant.

7. Valid consent may require consent from persons other than the performer or participant, such as parents/carers. Children of any age should be regarded as competent to give consent verbally or through their 'assent' as displayed in their conduct and willingness to continue in the performance or activity. The behaviour of very young children, in particular, should be monitored for signs of unwillingness to continue.
8. When signs are displayed that assent is no longer being given, the applicant must endeavour to resolve any issues for the child such that they may choose to continue under a different set of conditions. If the child still does not want to be involved, where relevant, only filmed footage taken up until the point of their unwillingness to perform may be used.
9. Aspects of the performance that have associated risks, and the mitigation measures proposed, should be explained clearly to the child or young person, and other persons consenting to the child's participation in the performance or activity, before the child's consent is sought.
10. In carrying out a risk assessment care must be taken to also consider the following risks.
 - Injury – environmental hazards.
 - Ill health – exposure to dangerous materials, environments and potential infection.
 - Psychological harms – exposure to damaging behaviour and experiences.
 - Lack of adequate management control.
 - Lack of competent staff and chaperonage.
 - Failure to ensure valid consent.
 - Failure of supervision.
 - Unsuitable transport arrangements.
 - Excessive performance demands – with regard to individual characteristics of performers.
 - Inadequate provision for emergencies.
 - Unwelcome contact – physical or other invasive/abusive contact.
11. A model template for a risk assessment is attached in the **Annex** to this note.
12. The nature and extent of risks under these headings and any other aspects of the performance or activity that carry additional risk must be described in the licensing application/risk assessment together with the appropriate measures for their mitigation.
13. As risks may change in severity and new risks may emerge in the course of a performance or activity, constant monitoring of risks and mitigation measures is a crucial element in safeguarding children and young people.

Annex

<p>Child's details</p> <p>Name of the child:.....</p> <p>Child's address:</p> <p>.....</p> <p>.....</p> <p>Child's date of birth:</p>
--

<p>Performance/activity</p> <p>Description of performance/activity for which licence is being applied:</p> <p>.....</p> <p>.....</p> <p>.....</p>
--

Name of applicant:

Signature:

Date of application:

Risk category	Potential harm	Risk present? Yes/No	Degree of risk 1 = green (none or minimal) 2 = amber (moderate) 3 = red (high/severe)	Description of specific risk and mitigation/control measures	Notes/comments	Date risk assessed
1. Environmental/physical						
Falling injury	Minor or serious injury					
Exposure to extremes of temperature						
Exposure to adverse weather conditions						
Injuries from staging/scenery						
Participation in stunts/in the vicinity of stunts/special effects						

2. Health						
Infection	Sudden illness					
Fatigue	Illness or injury					
Dehydration	Illness/fainting episodes					
Inappropriate diet	Feeling unwell/nausea					

3. Psychological						
Emotional content e.g. violence, sex, drug use	Emotional distress					
Competition e.g. talent show, sports	Emotional distress Harm to self-esteem					
Invasion of privacy	Emotional distress Loss of autonomy					
Sexual content	Precocious sexualisation Moral damage					

Other content inappropriate to age of child	Sanctioning/ encouraging age-inappropriate behaviour					
Stress/coercion	Insecurity Distress/anxiety Mental fatigue					
	Loss of autonomy					
Peer group activity	Bullying Peer disapproval					
Shock/trauma	Emotional distress					
Insult to dignity	Embarrassment/ distress					
Exposure to occult/supernatural content	Anxiety					
Other (specify)						

Example of unlicensed performance form

<p>City of Cardiff Council (Cyngor Dinas Caerdydd)</p> <p>Children's Services Education Safeguarding Team</p>
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**Notification to Cardiff Council of children taking part in a performance without a licence
in accordance with section 37(3)(a)(b) of the Children and Young Person's Act 1963**

Please note:

The act and regulations contain no provision under which absences from school may be authorised for an unlicensed performance.

Organisation name and address:	Contact:	e-mail and telephone number:
Name of performance:		
Type of performance (dance, signing, etc.):		
Date(s) and time(s) of performance, including arrival, start and finish times (Please attach schedule)		
Performance venue		
Is any payment being made to any child/young person? Will a charge be made for admission? If so, to what purpose will the proceeds be put?		
Chaperone's name and address (Please attach separate sheet if necessary)		

Example of unlicensed performance acknowledgment

**Cardiff Council
Children's Services
Education Safeguarding Team**



Unlicensed performance

Acknowledgement of unlicensed performance notification in relation to Cardiff children taking part in a performance without a licence, in accordance with section 37(3)(a)(b) of the Children and Young Person's Act 1963

Please note:

The Act and Regulations contain no provision under which absences from school may be authorised for an unlicensed performance.

Production company	
Name of performance	
Type of performance (filming, stage, dance, etc.)	
Date(s) and time(s) of performance	
Performance venue/location	
Chaperone	

City of Cardiff Council confirms that the child/children is/are exempt from the requirement to hold performance licences on this occasion.

May I remind you that as the organiser of the event/show, you remain responsible for ensuring that the child's/children's welfare and health during the show is fully considered, including adequate supervision by suitable adults. In the interest

