

Dadansoddi ar gyfer Polisi



Analysis for Policy



Llywodraeth Cymru
Welsh Government

SOCIAL RESEARCH NUMBER:

62/2021

PUBLICATION DATE:

23/09/2021

Welsh Government child performance policy:

Lessons learnt from interviews with child performance professionals and policy recommendations

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Lessons learnt from interviews with child performance professionals and policy recommendations

Chloe Reid

This report was produced as part of a three-month Welsh Government PhD internship organised through the ESRC Wales Doctoral Training Programme (DTP) and Welsh Government. Views expressed in this report are those of the researcher and not necessarily those of the Welsh Government.

For further information please contact:

Schools Research Branch

Knowledge and Analytical Services

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

Email: schoolsresearch@gov.wales

Table of contents

Table of contents	1
Glossary.....	2
1. Introduction	3
2. Key findings.....	5
3. Methodology.....	8
4. Detailed findings.....	11
5. Suggestions for further research	26
Reference section	27
Annex A	28

Glossary

Acronym/Key word	Definition
BoPA	Body of Persons Approval (BOPA) allows groups and organisations to have an overall licence for their performance. This means a licence for each individual child is not required.
LA	Local Authority
KYPS	Keeping Young Performers Safe
NNCEE	National Network for Children in Employment and Entertainment
NSPCC	National Society for the Prevention of Cruelty to Children
WNCEE	Welsh Network for Children in Employment and Entertainment

1. Introduction

- 1.1. Children and young people who perform have the opportunity to engage in enriching life experiences, enhance their education and develop important skills. It is of utmost importance that children are protected from harm and can perform within safe environments.
- 1.2. In Wales, legislation and policies provide guidance on how to safeguard child performers. This includes [‘The Children and Young Persons Act 1933’](#), [‘The Children and Young Persons Act 1963’](#), [‘Keeping young performers safe: Guidance to accompany the 2015 child performance regulations’ \(2015\)](#) and [‘The Children \(Performances and Activities\) \(Wales\) Regulations 2015’](#).
- 1.3. Local Authorities (LAs) are an integral part of the child performance framework and are important for ensuring others comply with the regulations. They are responsible for processing and issuing licences for child performers from organisations within a 21 day timeframe. They receive applications from individuals who wish to chaperone young performers and are in charge of providing training to chaperones. Furthermore, LAs have the power to inspect the premises of performances to ensure that children are adequately protected.
- 1.4. All LAs in Wales are involved in the Welsh Network for Children in Employment and Entertainment (WNCEE), a group working together to safeguard children in entertainment. Some are also members of the National Network for Children in Employment and Entertainment (NNCEE).
- 1.5. In 2019, the Welsh Government conducted an exercise, through WNCEE to gather information from Local Authorities. This exercise collected information on the application process for issuing licences, Body of Person Approval (BoPAs) and registering of chaperones, LA staff resources, enforcement and inspections and support for LAs to conduct their duties.
- 1.6. Following this information-gathering exercise, it emerged there was a need to understand in greater detail how child performance policy is delivered in LAs across Wales, and any improvements that might be made. There was also a concern within the Welsh Government to understand how the Covid-19 pandemic may have influenced LAs’ abilities to safeguard child performers. The decision was made to conduct a research project to carry out further qualitative research with LAs, building

on the initial information to collect additional detail on the challenges faced by stakeholders in this area.

1.7. The initial information gathering exercise had focused on LAs in Wales only. To provide richer contextual information, the research project included a desk-based analysis of the child performance policies across the UK as a way of highlighting ideas for good practice that could potentially be implemented in Wales.

1.8. The aims of this research were to:

- develop a detailed picture of the child performance process in local authorities in Wales, focusing on good practice, resources; capacity, and mechanisms to address supply and demand; expertise and training; and collaborative and partnership working between Local Authorities
- consider the child performance policies across the four home nations of the UK, and in the light of the research, suggest improvements to Wales' guidance and approach.

1.9. This report is presented in seven chapters as follows:

- chapter one: this introduction to the report
- chapter two: summary of key findings
- chapter three: study methodology
- chapter four: findings of the fieldwork
- chapter five: conclusions
- chapter six: suggestions for future improvements
- chapter seven: annex – interview schedules

2. Key findings and suggestions for improvement

Guidance

- 2.1. Those interviewed were generally happy with the policy guidance provided by the Welsh Government, but suggested they did use other documents which were viewed as more operational and provided case studies.
- 2.2. It is suggested that the existing policy guidance could be strengthened by providing more examples of scenarios, standardised forms and checklists and practical information. LAs should be also encouraged to share their paperwork with others.

Capacity and mechanisms to address supply and demand

- 2.3. Some LAs may require more support in processing and issuing licences. In particular, smaller LAs struggle to manage child performance licences in the same time frames as larger councils, leading to disparities.
- 2.4. Some LAs reported facing pressure from organisations to issue licences quickly. It was also raised in interviews the suggestion that theatres may find it easier than production companies to give LAs' 21 days' notice, due to the nature of casting.
- 2.5. It is suggested that the requirement for 21 days' notice is reviewed to consider the pressures faced by production companies. LAs should be requested to provide information on their website and give similar information about timescales, which may help to ensure a consistent approach across Wales.

Expertise and training of Local Authority officials, expertise and training of chaperones and collaborative and partnership working between Local Authorities

- 2.6. None of the LA officials interviewed received formal training. The support they received was mainly through attending WNCEE meetings or informal training from colleagues.
- 2.7. The training of chaperones varied among LAs, with most offering in-person training and a few accessing the NSPCC online course
- 2.8. LAs find it difficult to train new staff due to the few numbers working within child performance or provide in-person training to chaperones.
- 2.9. The majority of LAs worked collaboratively in some capacity, which included contacting the WNCEE lead and other LAs for advice and support.

2.10. It is suggested that LAs collaborate more on managing workloads, provide chaperone training and support for new employees. This could be in the form of two or three neighbouring councils joining to support one another.

Inspections

2.11. The majority of LAs either did not conduct inspections or carried out checks only when a safeguarding concern was raised, rather than as a matter of routine.

2.12. It is suggested that more guidance is provided on how often inspections should take place and LAs should be given more training on inspections. Some LAs reported that they were unable to conduct inspections due to issues with the timing of performances.

2.13. It is also suggested that local authorities might be encouraged to provide inspections outside of office hours to allow these checks to take place.

Body of Persons Approval¹

2.14. The LAs interviewed rarely issued open licences for BoPAs as they wished to receive information on performers beforehand for the purposes of safeguarding.

2.15. There were mixed experiences in regards to LAs being notified about performances organised by national BoPAs. Seven LAs suggested they had been contacted by holders of national BoPAs informing them of performances taking place in their area, but four LAs commented that they were rarely notified.

Impact of the Covid-19 pandemic

2.16. The Covid-19 pandemic led to a reduction in child performance licensing applications. Five LAs suggested that the pandemic had made it more difficult to arrange spontaneous inspections. Three LAs and one production company believed that councils were more reluctant to issue licenses as a result of risks stemming from the pandemic.

Ideas for improvement raised by interviewees

2.17. The interviewees were asked for their ideas on improving the child performance licensing process. These suggestions included providing standardised

¹ Body of Persons Approval (BOPA) allows groups and organisations to have an overall licence for their performance. This means a licence for each individual child is not required.

forms, raising the awareness of child performance licensing within councils and ensuring consistency in the training of chaperones

Analysis of policies of the four UK nations

- 2.18. In Scotland, BoPAs are approved for 24 months. It may be useful to suggest a similar time limit in Wales for BoPAs. This would ensure that BoPAs would be reviewed by LAs in Wales on a regular, scheduled basis.
- 2.19. Scottish, Northern Irish and Welsh legislation limits the numbers of pupils a private teacher can tutor at any one time. However, this rule is not mentioned in the 'Keeping Young Performers Safe' (KYPS guidance) and it could be useful to include this information.
- 2.20. Chaperones have the discretion to allow children to take part in a performance for an extra hour (Wales) or 30 minutes (Scotland). In Scotland, chaperones must inform LAs the following day of the extended time. However, there is no time specified in Wales for notifying LAs. Setting a specific time frame to notify LAs may make chaperones exercise more caution when allowing children to extend their working hours.
- 2.21. NNCEE's guidelines argue that children performing under an exemption (such as the four-day rule or BoPA) should be cared for by a chaperone, although there is no legislative requirement. It could be helpful to provide all children with the support of a chaperone, regardless of exemptions. This would provide safeguarding and care to all young people.
- 2.22. Scottish documentation refers to the child's views being important when obtaining a licence. The application form is signed by the child and the parent. The LA sends a copy of the licence to the child if they are of appropriate age and maturity. This could be good practice to introduce in Wales and would uphold Article 12 of the United Nations Convention of the Rights of the Child, which states that children have the right to express their views and be considered seriously.

3. Methodology

- 3.1. Firstly, desk-based research was conducted to explore child performance policies from the four home countries: Wales, England, Scotland and Northern Ireland. The policies include the [‘Child performance and activities licensing legislation in England’ \(2015\)](#), Wales’ [‘Keeping young performers safe: Guidance to accompany the 2015 child performance regulations’ \(2015\)](#), and Scotland’s [‘Guidance on the revised arrangements for ensuring the wellbeing of children involved in performances and licensed activities’ \(2014\)](#). These policies were chosen because they provide the most recent guidance. In addition, the leaders of the NNCEE and WNCEE were interviewed as they have a high level of knowledge and expertise about local authorities’ experience with child performance licences across the UK.
- 3.2. All 22 Local Authorities in Wales were contacted in February 2021 and invited to participate in the research. 12 semi-structured interviews were conducted with Local Authority officials employed within child performance between February and March 2021. This total of 12 semi-structured interviews includes the leaders of the WNCEE and the NNCEE.
- 3.3. The websites of each LA in Wales were searched to find out if information was provided on the timescales of issuing licences.
- 3.4. The WNCEE were consulted when creating a plan for the research. They recommended the names of two production companies that work with large numbers of children in Wales. One production company consented to participating in the research and was interviewed in February 2021. Overall, 13 interviews were held with 12 LA officials and one production company.
- 3.5. LAs were encouraged to reflect upon their experiences before and during the Covid-19 pandemic. It was important that LAs could give an account of their workloads before the pandemic to ensure that the research reflected their ‘normal’ practices. It is possible that the pandemic may have changed life in Wales long-term but measures such as lockdown are hoped to be temporary. The interview guide has been included in the appendix.
- 3.6. The broad geographic locations of the Local Authorities can be seen in Table 1. Two interviews were conducted with participants in the same LA. Overall, 11 Local Authorities in Wales and one outside Wales participated. This research aims to put

forward insights from participants' qualitative experiences, rather than aiming to be wholly representative.

3.7. Participants have been grouped by region to protect their anonymity. There was no analysis by region. As there may only be one or two individuals employed within a LA responsible for child performance licensing, giving details of their location may allow disclosure of their identity.

3.8. Table 1. Locations of interviewees who participated in the research

South Central (Bridgend, Cardiff, Merthyr Tydfil, Rhondda Cynon Taf, Vale of Glamorgan)	5
North (Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd, Wrexham)	1
South East (Blaenau Gwent, Caerphilly, Monmouthshire, Newport, Torfaen)	2
West (Carmarthenshire, Ceredigion, Neath Port Talbot, Pembrokeshire, Swansea, Powys)	4
Outside of Wales	1
Total	12

3.9. Two LAs in North Wales stated they were unable to participate as they did not have the capacity to assist with the research.

3.10. The Local Authorities differed in their workloads in regard to issuing child performance licenses, with some processing large numbers and others receiving few applications. This was somewhat expected, as cities like Cardiff have several theatres and studios compared to more rural and agricultural areas of Wales.

3.11. The officials themselves had varying amount of experience in this area. Some individuals had been employed for over ten years within child performance safeguarding and others had entered the role six months ago. This was beneficial to the research as it meant a diversity of experiences and views were reflected.

3.12. Each interview lasted between 30 minutes to one hour and was conducted remotely using Microsoft Teams. Interviewing participants remotely was an efficient way of reaching LAs based throughout Wales. The interviews took place in English.

- 3.13. When invited, respondents were given the opportunity to participate in Welsh. Unfortunately, this invitation was not extended in the Welsh language, and as a result, the method of communication fell short of the standard that the Welsh Government upholds for ourselves. Close consideration was given to whether this mistake impacted upon participation, thereby creating a response bias against local authorities amongst which preference for communication in Welsh is more common. Local authorities that did not respond initially were reminded of the Welsh language option. However no further local authorities were willing to participate. It was therefore concluded that a response bias against some local authorities was not a concern.
- 3.14. The interviews were recorded, transcribed and saved on to an encrypted and secure Welsh Government database. The data was analysed thematically and manually. Participants were issued with a Privacy Notice, outlining their rights in regard to the research and explaining how their data would be used.
- 3.15. Occasionally there were sensitive issues that arose from interviewing LAs. Some participants admitted they were unable to follow the requirements of legislation due to capacity and workload issues, which is discussed further in the findings section. LAs were assured that the purpose of the research was to make recommendations for improving practice and that individuals or specific LAs would not be identified.
- 3.16. Except where indicated otherwise, all quotations in section '4. Detailed findings' of this report are from interviews with local authority officials.

4. Detailed findings

Guidance

4.1. In general, those interviewed held positive opinions about the guidance provided by the Welsh Government, with some preferring documents provided by the NNCEE.

4.2. Interviewees were asked about their opinions of the Welsh Government's 'Keeping Young Performers Safe' (KYPS) document. Eight LAs and the production company were complimentary about the guidance, describing the document as clear and easy to understand:

'It really helped in terms of the process. You can search through it as well and use it as a key point of information. I felt that it was clear, and things were easy to find on it, rather than trawl all the way through. You could easily identify the parts that you needed. I think there's an easy read as well for parents, that's quite good.'

4.3. A minority of LAs suggested that they sometimes preferred to use the NNCEE website when looking for guidance:

'I do use the English guidance written by the NNCEE more. It's written by a local authority so it's local authority centric... The NNCEE guidance is useful because it gives you clear scenarios that you can link into the grey areas that come in.'

4.4. One LA described how they utilised resources from other councils to complement their existing guidance:

'I did locate on the Internet another authority and they had on there scenarios which was really good for chaperones. So, I pinched those scenarios. So, when we have an interview, we ask 10 or 20 questions and then we give them one of those scenarios. And it's got the model answers as well.'

Capacity, and mechanisms to address supply and demand

4.5. This section focuses on timescales to process and issue child performance licences and the workloads of child performance LA officials. Regulations state that applications for child performance licences must be made to the local authority at least 21 days beforehand.

4.6. Overall, the majority of LAs reported that they take five working days to process a licence but the information provided on LAs' websites about child performance varies. Some LAs reported being pressurised by performance organisations to issue licences quicker. Those interviewed were responsible for other types of child welfare and child performance was just one element of their role.

4.7. The majority of LAs (eight) said that they typically took around five working days to process a licence, due to an agreement made with other councils:

'It was probably about five years ago, at the all-Wales meeting², when the regulations changed, we discussed it. We decided that whilst we were able, we would issue the licence in five working days where possible. That was unanimously agreed. Since that time, I think that's proved difficult for some local authorities because they haven't got the staff and manpower to process those licences quicker.'

4.8. A minority of LAs (three) said they would take up to 21 days to issue a child performance licence. The interviewee based outside Wales suggested it would take up to ten days for a licence to be granted:

'On average I would say the most boroughs tend to do it in 10 days, although at the moment I think you're probably getting a license virtually on the day you're submitting if everything's right.'

4.9. The researcher visited the websites of each LA in Wales to find out if information was provided on the timescales of issuing licences. The information on timescales largely varied. 13 LAs suggested they took 21 days, seven LA did not provide any information on their website, one LA gave a time frame of two weeks and one LA stated licence applications would take five days. During interviews, some LAs (four) discussed the importance of ensuring that local authorities had similar timescales to maintain fairness:

'We're also mindful that if we start responding too quickly, what happens then is they [performance organisations] all chat and they'll come to an authority that will produce them quickly. It then means other authorities or other children don't have the parity because they won't go to them if they're going to leave it three weeks.'

² The 'all-Wales meeting' refers to the WNCEE

4.10. Some interviewees (four) reported negative experiences of organisations attempting to pressurise LAs into processing licences quicker:

'A lot of companies have previously emailed saying I know you've got 15 days but can you do it in two and almost like blackmailing us into pitching ourselves against each other.'

4.11. LAs cited different factors that could impact their progress in issuing licences. A large group of interviewees (six) described how receiving incomplete applications could slow the process down:

'The amount of back and forth. If I've got an application, they might not include the chaperone details, or they might not include the head teacher's permission. So, then we have to go back and ask them for it.'

4.12. One LA outlined how certain times of year could lead to an increase in licence applications:

'Especially around Christmas time when we have the pantomime season. That for me is the biggest headache. Summer is usually quite a busy time as well.'

4.13. A small number of LAs (two) believed that the 21-day timescale is not appropriate for production companies, who may struggle to provide councils adequate notice:

'For stage performances, we should have 21 days. Because of course they're recruiting children, auditioning children well in advance. So, they have plenty of time to see applications in a timely manner. When it comes down to TV, it's a completely different industry and the goal posts are completely different. There is little auditioning. They may change a child last minute and we felt that the time scale of 21 days wasn't suitable for the purposes of broadcast work.'

4.14. Furthermore, the vast majority of Local Authority officials suggested that child performance employment was just one element of their role. Those interviewed had responsibilities for other types of child welfare, including school attendance, child employment and inclusion.

4.15. Eight LAs were asked about whether there were arrangements in place to cover absences from work and ensure that child performance licences would continue to be processed while they were away. For the majority of LAs, there were no arrangements in place to cover absences from annual leave or sickness:

'They would wait until I'm back. I tend to, if people contact me, let them know. Especially if they're waiting for it. Quite often they will ring me in advance and just say. I let them know I work term time only so you need to get it in before so I can get it done.'

- 4.16. Three LAs suggested that others in the team would be able to cover in their absence:

'The admin could do the licence. They probably wouldn't be able to do the Body of Persons Approval. But hopefully one of my staff would be able to do, somebody else within the team.'

Expertise and training of Local Authority officials

- 4.17. None of the LA officials had received any formal training in the field of child performance licensing. The training LA officials received varied and mainly consisted of informal support from colleagues and attending WNCEE meetings.

- 4.18. A moderate number of participants (five) participants described how they received informal training from co-workers, consisting of shadowing and the opportunity to ask questions to more experienced colleagues:

'We have a checklist. And I use that every time I do a performance licence to remind me what I got to do. If there is a new member of staff, I would train them. And we go through the checklist and then they could use that to remember all the steps.'

I also get them to come on my chaperone training to give them an understanding of the other aspect of it and why we're asking for chaperones and what they actually do.... Now in our office, we're quite close together, so I trained [new employee], she sat next to me. So, any queries, I'm just next door for her to ask. I was coaching her through phone calls.'

- 4.19. Some LAs (four) believed that attending the WNCEE meetings was helpful in allowing them to develop their understanding of the regulations:

'There's been the all-Wales meetings which we all get. That's a couple of times a year. We haven't had one for a while now. I started going to them and that was really helpful. Because we've had presentations on licencing and on employment.'

4.20. The LA official outside of Wales who was interviewed believed that councils sometimes lack the resources to allow staff to undergo training:

‘Many boroughs don’t allow their staff out to go to training and national conferences because they haven’t got the capacity or they don’t want to pay for the training and the expenses... Managers might not think it’s worth them missing work for a couple of hours and going out. They could do much more if they were at work.’

4.21. A small number of LAs (two) expressed concern about how a lack of training may have detrimental effects on child safeguarding:

‘When you look at the other national collaborative meetings we were in, you could see the level of training and the level of interest and the forensic aspect of some people querying the company. It’s obvious that the quality across the country varies enormously.’

4.22. A minority of participants (two) had worked within education and schools previously and felt this enhanced their expertise before they started the job:

‘Luckily I have worked in education and in schools itself over the last 10 years... So, I know about safeguarding.’

4.23. The production company offered staff talks from the WNCEE and opportunities to undergo child protection courses:

‘We have a very close link with [WNCEE representative]. She advises us. We’ve had annual catch-ups with her where she comes to speak to us as a department just as a refresher...

We had a new production manager starting yesterday... She’s doing the child protection course and the Covid course. Before she does anything else, that’s the first thing people do in the company.’

Production company employee

Expertise and training of chaperones

4.24. The Welsh Government’s ‘Keeping Young Performers Safe’ guidance (2015) states that chaperones must undertake appropriate child protection training. The delivery of this training will be decided by the relevant local authority.

4.25. The majority of LAs offer in-person training to chaperones and a smaller group of LAs provide online training only.

4.26. In seven LAs, new chaperones can access in-person training, which can last from two to four hours. Two LAs provided the majority of this training, with individuals travelling from neighbouring councils to undertake the course. One interviewee believed that it was beneficial to know chaperones in these areas are receiving similar guidance:

'It gives some consistency because you know that those chaperones have all received the same training.'

4.27. Three LA officials who offered face-to-face training opined that meeting chaperones in person was useful for strengthening applicants' knowledge and assessing suitability for the role:

'The face to face training is far better because you do get more of a sense from someone's body language and so on, whether they have a genuine understanding of the role and whether they're buying into it completely...

If you have that face-to-face contact with somebody and you say, here is my mobile phone number, if you've got a query ring me. They know exactly who you are. Whereas if they've just done an e-learning module, they don't know who the person is answering the phone...It's all about building relationships really.'

4.28. However, one LA had experienced difficulties with the timing of delivering face-to-face training:

'Normally chaperone training is delivered in the evening. I've even gone in on the weekend... It's a long day sometimes.'

4.29. A small group of LAs (five) offer the NSPCC course to new chaperones as their primary training. These LAs described how they ask chaperones to complete the NSPCC course because the councils lack the capacity to offer in-person workshops:

'There isn't specific training because we do not have enough people who apply for it. If we did specific training for chaperones, it would like one person every six months.'

4.30. Two LAs suggested they were not keen on the NSPCC course because this charged a fee to chaperones:

'For some of our parents, we're not an affluent area. They can't afford that 25 pounds.'

4.31. The approach of the production company was to train all employees who come into contact with children as chaperones:

'All the researchers, they're all qualified chaperones, that's the way we educate people in the department... Because they're all chaperones, there is always a chaperone on location... If a child, if they've been filming and another person hasn't turned up on time, then we see if they can switch to a chaperone role. We've found it very useful that we can provide that backup.'

Production company employee

Collaborative and partnership working between Local Authorities

4.32. The majority (nine) of the LAs interviewed indicated that they collaborate with other councils in some capacity. The LAs' collaborations took on different forms, including contacting the WNCEE lead and other councils for advice and providing training to chaperones.

4.33. Some LAs (five) suggested that they tended to work most closely with the WNCEE lead and often sought advice from this individual:

'If you've got queries, I tend to go straight to [WNCEE lead] in [city] because she's the guru. She does this on a daily basis. That would be the only other communication and discussion I would have if it was around a particular issue.'

4.34. Four LAs would email other councils for general support and answering queries:

'We're in regular communication. Regionally we've got neighbouring local authorities and they're the ones we tend to work closely with. And also, as well if you're wondering whether a performance meets the criteria for an unlicensed performance as well, those sorts of queries. There is a lot of personal knowledge about the theatre groups with our colleagues in other local authorities.'

4.35. The minority of LAs (two) mentioned contacting other councils to see if they had experienced issues with specific organisations:

'If we're aware there's some concerns around a particular organisation, we will then email and ask has anybody else had any communication or just discussions with this individual or any concerns, just that we can all have a consistent approach really on how we are responding to issues or concerns.'

4.36. As mentioned previously, two LAs who provided in-person training to chaperones invited applicants from neighbouring councils to attend. However, two of the 11 LAs suggested that they work independently on child performance licence issues:

'There isn't much of an appetite for that kind of joint working. I like what the NNCEE does and I've sent them my stuff, but it does feel like we basically just do our own thing.'

Inspections

4.37. Local authorities and the police are entitled to inspect the premises of performances, accommodation and education at any time during the lifetime of the licence.

4.38. Interviewees held varied experiences, with six of the 11 having the capacity to conduct inspections and five LAs unable to do so.

4.39. Of the six LAs who did have the capacity to inspect, most suggested that they conduct inspections only when a complaint or safeguarding concern is raised, rather than as a routine check:

'The only time I would do an inspection would be if I've got concerns. So, if I receive a complaint or if there's just something that's just doesn't sit right with me.'

4.40. Five LAs were unable to conduct inspections due to concerns on workload and training. These officials suggested it was difficult to arrange inspections because these are often conducted outside of normal office hours:

'A lot of these performances take place in the evenings or weekends, which is when local authority offices don't normally work.'

4.41. Four LAs requested more training on how to conduct inspections:

'I don't know if I'd be happy enough or qualified enough to do an inspection.'

4.42. A minority of LAs (two) commented that inspections are a lengthy process and difficult to manage with their other responsibilities:

'Unless it was something like an emergency or like an immediate safeguarding concern, you just don't have the capacity to go out. Obviously, you're there for at least a couple of hours and that's bearing in mind that everything's going to plan...It's not just like a quick hi, how it's going and then have a look around.'

4.43. One LA respondent said that they would prefer the presence of a colleague in a situation where they were conducting an inspection and had concerns, suggesting that this colleague could validate their judgements in relation to concerns, and provide support in challenging the employer.

Body of Persons Approval

4.44. Organisers can apply for a Body of Persons Approval (BoPA) from local authorities, which will cover all children within one licence. BoPAs are designed to reduce the administrative burden of applying for individual licences for large numbers of children. This section considers LAs' experiences of 'open licences' and national BoPAs. Overall, LAs were reluctant to issue open licences for BoPAs as they believed it was better for safeguarding purposes to receive information beforehand. LAs' experiences of national BoPAs was more mixed, with some receiving notifications about performances and others not receiving this.

4.45. An open licence may be granted when organisers do not have all the information available when they apply for a BoPA, such as how many children will take part in an event. The KYPS guidance states that if the information cannot be provided in advance, the LA can issue approval on the condition that the information will be provided as soon as it is available, even if that is after the event.

4.46. During interviews, LAs were asked about their experiences of open licences for BoPAs and whether organisers were forthcoming with providing information after the licence has been granted. The LAs were unanimous that they were reluctant to issue an open licence and this was rarely granted, because it was better for safeguarding purposes to receive all information on performers beforehand:

'We've got power of entry to go and check that children are performing safely. So, we need to know prior to that performance. In order to risk assess we want a certain amount of information, most certainly around ratios and arrangements.'

4.47. One LA refused to issue open licences for modelling:

'We don't do open licences for any modelling. I refuse to do them...Children have been exploited in the past.'

4.48. Furthermore, if a BoPA application involves large numbers of children in a great number of local authorities, a national BoPA can be requested from the Welsh Ministers. LAs must be contacted if a performance organised by a National BoPA is taking place in their area. The majority of LAs (seven) suggested that they had been contacted in this way, with many naming the same specific production company who had notified them of performances.

4.49. However, four LAs suggested that this happened rarely. One LA commented that organisations might be unaware of the obligation to notify Local Authorities:

'I can't recall any BoPAs we've had nationally from Welsh Government being notified of any performances in [local authority]. Maybe there haven't been any performances in [local authority] but I find that unlikely...I don't think they intentionally wouldn't notify the local authority, but I do think they're possibly not aware that they have to do that.'

Impact of the Covid-19 pandemic

4.50. The Covid-19 pandemic impacted interviewees in their ability to conduct inspections, manage licensing requests, receive access to administration support, handle risk assessments and support chaperones.

4.51. For much of the Covid-19 pandemic, individuals across Wales were encouraged to stay at home unless necessary. This posed a challenge for five LAs, as it meant they had to arrange inspections in advance and could not enter organisations' premises without prior arrangement:

'You normally have to arrange the inspection and follow their PPE protocol. That changes the dynamic of the inspection. If they're expecting you, then the likelihood is they're going to make sure that everything is as it should be. And I

think the whole point is going in unannounced and them not knowing we're coming.'

4.52. All interviewees described a drop in child performance licence applications during the pandemic. A small group of LAs (three) and one production company suggested that councils were reluctant to issue licenses as a result of risks stemming from the Covid-19 pandemic.

4.53. A minority of LA officials (three) spoke about how the pandemic had led to an increase in risk assessments:

'The only other thing for Covid is that we are asking for a specific risk assessment, as well as their normal health and safety child specific risk assessment.'

4.54. During the pandemic, some workers in Wales were furloughed or deployed to other roles. Three LAs lost some of their administration support as a result of Covid-19:

*'I have [employee]. Who was taken on as a child's licensing assistant to me then and she's invaluable. She's 18 and a half hours a week. She's brilliant but at the moment I've lost her to Track and Trace.'*³

4.55. Furthermore, one LA mentioned that the Covid-19 pandemic meant there were more last-minute changes to child performance licence applications:

'What we have found, the small number that we have issued doing Covid, sometimes there have been last minute changes because someone needs to isolate.'

4.56. However, one LA described how the reductions in licences issued had made their workload more manageable:

'My predecessor was struggling to stay on top of the job just because of the number of licences coming in all the time. She actually didn't do all the other stuff that I did. Whereas I'm able to do that because the number of licenses coming in is much smaller. I forget how many I've done, maybe 50 since August. On a previous year, it's like 200 a year.'

³ 'Track and Trace' referred to 'Test, Trace and Protect', the Wales-based scheme that, at the time of interviews notified people who may have been exposed to Coronavirus to request they self-isolate in order to reduce the spread of the virus.

4.57. For the production company interviewed, there were concerns about how chaperones could effectively safeguard children whilst socially distancing:

'The chaperone has to stay six foot apart from the child and they're looking after a child they can't be within six foot of. So, it's not easy.'

Production company employee

Ideas for improvement raised by interviewees

4.58. Interviewees were asked for their ideas on improving the child performance guidance. As LAs and production companies are directly engaged with protecting child performers, they may have a more operational understanding of the issues and useful insider perspectives. There were three main themes raised by interviewees, which relates to resources, awareness of the role of LA child performance officials and chaperone training.

4.59. Firstly, five LAs gave suggestions on how resources on child performance could be improved. For two LAs, it would be useful if the Welsh Government's guidance included standardised forms for streamlining the child performance licence process:

'Standardise forms so there's a process from start to finish and say when you're doing this, this is what you use. So, when you're doing this, this is what you use, and these are the forms you're using in this order. Because I think new people coming into the service would probably find that really helpful.'

4.60. Two LAs were currently working on changes to BoPA application forms and chaperone packs to streamline the process:

'[LA official] and myself worked on like a new application form for BoPAs or like an information sheet. Because there'll be so much back and forth if it's like a large-scale event and in terms of the chaperone ratios. So, we sat down and put something together. There's a table and it's breaking children into age groups, male or female. Since we started doing that, we'd get the information in the application form so we would have it prior to the performance or the production taking place.'

4.61. The second theme related to the role of child performance officials and how this post is perceived by others. Three LAs believed there was a lack of awareness of the role of child performance officer and wished that others were better-informed:

'We don't want to be fire-fighting. We want to be safeguarding appropriately. Within [the LA], you speak to people and they haven't got a clue we're a department. We try to do some awareness raising. 'We do that? The local authorities do that?' Maybe awareness raising within local authorities, with education directors, children's services directors. That would be something I would like to see in future, something directly coming from Welsh Government to up the ante about child performance and raise awareness.'

4.62. However, one LA was concerned that a campaign to raise awareness of child performance regulations would make it difficult to manage their workloads:

'If I did an awareness raising campaign, not only does that impact on me trying to manage that, it would also impact on [the admin assistant] trying to do the paperwork. This has been an add-on. I know [team member] would probably agree, your admin team has been reduced but you've probably be given more pressure and more work.'

4.63. The final theme relates to chaperones. Three interviewees requested improved consistency with how chaperones are trained:

'That training is delivered by somebody centrally and every chaperone gets the same training in Wales, rather than different experiences depending on where you're licensed.'

4.64. One LA was considering giving chaperones a lanyard to wear, as proof that they had completed training:

'A lot of chaperones have asked for a lanyard that they could wear... on sets, which seems a lot more practical than having a full piece of paper.'

4.65. The other suggestions raised by interviewees were more diverse and harder to group into a singular theme. Table 2 summarises the miscellaneous suggested changes raised by individual interviewees:

Suggested change	Quotation from interviewee
Introduce more provisions to regulate and safeguard elective home-educated children	<i>'The one gap that I do feel is there is for home educated children... For those children you're not going to get a head teacher's statement. So, I'm guessing parents could do it but how objective is that? You can see the problem...If a child has to miss school, then the four-day rule wouldn't apply because elective home educated children don't have designated school hours. That could, that's potentially a little bit of a gap there.'</i>
Additional funding for LAs	<i>'If there's going to be a lot of extra safeguarding and pressures on the LA, I think there needs to be recognition about some funding coming alongside that.'</i>
The four-day rule states that children who have performed on more than four days in a six-month period will require a licence. One LA believed that the four-day rule should be removed so that all children receive protection.	<p><i>'I just feel, is it necessary? Isn't it not just worth if a child under the age of 16 is performing, they just get a license regardless if they've performed or not performed. Make it clearer. Because at the end of the day, we are looking after this child making sure that they are keeping within the hours and rules.'</i></p> <p><i>We did have a bit of an issue with a dance club, last year or the year before. And they managed to get away with it then because they were able to say some children hadn't performed in previous shows etc. That was just taking their word for it really.'</i></p>
Provide clarity on how the regulations apply to young people aged 16-18	<p><i>'There's something about the ages. The guidance is for school age children, for compulsory children. So say for example, my son is born in August. So, he's going to leave school in June, he'll be 15. But the guidance, say if he was doing a show say for example July, he would have left school, but he would only be 15.'</i></p> <p><i>So that guidance doesn't cover him. It's going to be a very small group of children. But I always get people asking what about a 17-year-old. The guidance is only for children of compulsory school age. So, a 17-year-old, he's still going to have safeguards for them because they're still a child, but they don't come up in the guidance. So that can be quite confusing.'</i></p>
Encourage the practice of multi-agency working	<i>'If you've got performances taking part in a pub, Trading Standards might be out or aware of things like that and we could check. Like one of my local production companies were booked for a restaurant re-opening or a pub re-opening. They were performing</i>

	<i>in that pub. They had a BoPA to do it. It's good if other agencies have awareness when they're in these places. That's the idea moving forward.'</i>
Provide an up-to-date contact list of all those working within child performance	<i>'In children missing in education, we've got this list of people we can contact so I just go, I automatically email a secure email at Cardiff and say do you know of this child. I know I've got a list of everyone in the UK and I don't have that for child performance.'</i>
Provide children with psychological tests to prepare them for the challenges of appearing in the public spotlight	<i>'Some broadcasters ask for psych tests to be carried out on any child you want to have on your production... This child, he's 10 and he wears make up. He's completely made up and he loves it. He was happy to be filmed and we did a psych test with him. The backlash from social media was awful. He was attacked when he was with his mother. There's another moral duty to protect. That's ever-developing how we approach that. Because social media is so powerful, they want to make sure these kids are well equipped to cope with the backlash.'</i>

5. Suggestions for further research

5.1. It may be beneficial to conduct further research. In Northern Ireland, applications are processed from a central body, rather than Local Authorities. It could be useful to explore the implications of this approach through interviews with the LAs and child performance leads in Northern Ireland. As noted in this research, some local authorities in Wales do not have the capacity to train their chaperones or conduct inspections. A larger central body could have the capacity to undertake this function.

5.2. Furthermore, LAs were asked about how often they have been notified by organisers with national BoPAs about performances taking place in their area. It is difficult to ascertain how LAs' experiences compare to the number of national BoPAs issued and whether organisations are meeting their obligation to notify LAs. It may be useful to conduct a survey with LAs on how often they have received notifications from national BoPAs and compare this to the numerical data on the actual numbers of national BoPAs issued.

5.3. Finally, the production company who were interviewed stated that some broadcasters had requested that children undergo psychological testing before filming to ensure they are well-equipped for the mental strain of appearing in the public spotlight. It may be valuable to investigate the possibility of asking child performance organisations to provide wellbeing training for children and what this support could entail.

6. Reference section

[Children and Young Persons Act 1933.](#)

[Children and Young Persons Act 1963](#)

[The Children \(Performances and Activities\) \(Wales\) Regulations 2015.](#)

Department of Education. (2015). [Child performance and activities licensing legislation in England.](#)

[Child performance and activities licensing legislation in England](#)

Scottish Government. (2014). [Guidance on the revised arrangements for ensuring the wellbeing of children involved in performances and licensed activities.](#)

Welsh Government. (2015). [Keeping young performers safe: Guidance to accompany the 2015 child performance regulations.](#)

Welsh Government. (2020). Summary of Local Authority responses to child performance survey, unpublished report produced by Welsh Government

Annex A

Interview schedules

Warm up

- What does your role entail? How long have you been working in this area?

Capacity and mechanisms to address supply and demand

1. Do you feel like you have sufficient time to process and issue licences as part of your job? Why?
2. Do you feel well-supported by your colleagues and managers in managing the workload from child performance licences?
3. Are there arrangements in place to cover absences from sickness and annual leave?
4. What are the LA timescales for issuing licences? Is this timescale from the date of application or when all the information is submitted?
5. Organisers may not have all the information when they apply for a BOPA, such as how many children will take part in an open event. If the information cannot be provided in advance, the authority can issue approval on the condition that the information will be provided as soon as it is available, even if that is after the event. Do you get many BOPAs providing this information after the licence has been granted? Do you have to chase the information? Do you think this works well? Why/ why not?
6. In regard to National BOPAs, the Welsh Government stipulate that LAs must be contacted if a performance is taking place in their area. Approximately how many times in the last year has your LA been contacted by organisers with National BOPAs notifying of performances taking place?

Expertise and training

7. What training have you personally received on child performance, including on issuing licences and BOPAs? What is good about this? What is bad about this? How could this be improved?
8. What does chaperone training cover? What is good about this training? What is bad about this training? How could this training be improved?

Collaborative and partnership training between LAs

9. To what extent do you work with other LAs on child performance licence issues? What does this collaboration look like? Why? Do you think this is useful? What could be improved about this?
10. If you don't work with other LAs, why is this? Would this be an option to explore?

Resources

11. What resources do you find most helpful in the area of child performer licences?
12. What do you think of the Welsh Government's 2015 guidance 'Keeping Young Performers Safe?' What do you find useful about these resources? Is there anything unclear about these resources? Would you change anything about these resources? Do you think the WG needs to provide greater clarity on any aspect of child performing licences?

Miscellaneous

13. How has the Covid-19 pandemic affected your work in managing child performance licences?
14. Could you tell me about inspections? Are you able to conduct inspections – why/ why not?

15. Are there any practices from England, Scotland and Northern Ireland that you think Wales should adopt? Why? And vice versa, what practices from Wales should the others in the UK follow?

Closing

16. Is there anything else you would like to mention?