

# **A guide for Chaperones and Performance Licence Holders**



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### Introduction

This guidance document has been written by Cumbria Children's Services primarily for the information of Chaperones. The information contained in the booklet may also be useful to others who have legal obligations to children and young people in performance. Reference is made to the relevant legislation throughout the booklet and particularly in appendix D.

For Chaperones the document is intended to raise awareness of your role and give you confidence to carry out your duties successfully. By the very nature of the role it is impossible to cover every eventuality in a document such as this. It is important to bear this in mind when reading it. The manner in which you carry out your duties can only be perfected by practice, gaining experience and drawing on the expertise of people who have a long and successful record of looking after children in these circumstances.

Please take time to read this document carefully and if you have any queries please do not hesitate to contact Cumbria Child Employment and Entertainment Team whose telephone numbers are listed on the 'Contacts' page.

## The Legislation

Legislation is in force to secure the health, proper treatment, and education of children whilst they are taking part in entertainment. The legislation is concerned with all such children from the day they are born through to the day when they are no longer of compulsory school age. Compulsory school age finishes on the day the child can legally leave school. It does NOT cease on their sixteenth birthday and currently ceases on the last Friday in June of the child's school year 11.

The legislation sometimes refers to a person called a 'Matron', more commonly known as a 'Chaperone', and this is someone who looks after the welfare of a child who is taking part in entertainment.

The primary legislation comes from the Children and Young Persons Acts of 1933 and 1963 (with later amendments). The 1963 Act allowed the Secretary of State to make Regulations that prescribe conditions to be observed with respect to children taking part in performances. These Regulations are entitled 'The Children (Performances and Activities) (England) Regulations 2014.

One of the conditions in these Regulations sets out the need, in certain circumstances, to have an approved person called a Chaperone to look after the children. The parts of these Regulations that are applicable to a Chaperone's role and duties are set out in appendix D.

The term 'entertainment' includes:

- 1 Taking part in a performance where the public pay to have access.
- 2 Any performance in licensed premises (hotel, public house, etc.).
- 3 Any broadcast performance.
- 4 Any performance not falling within (3) above but included in a programme service.
- 5 Any performance which is being recorded for use in a broadcast, programme service or film.
- 6 Taking part in modelling or sport for which the child or any other person receives payment.

1, 2, 3, 4, and 5, are termed 'performances' and also include certain rehearsals for a performance. 6, is termed an activity, but these all come under the term of 'entertainment'.

## The Child's Performance Licence

Children taking part in entertainment require a Performance Licence issued by the child's Local Authority\* and applied for by the person who is responsible for the production or activity. This person is called the Licence Holder and is named on the child's licence. The licence relates to a named child and allows that child to take part in a particular performance or activity.

There are three exceptions to the requirement to obtain a licence in relation to performances which only apply if there is no payment made in respect of the child taking part in the performance, other than for defraying expenses, either to the child or to another person, and, in the case of exceptions 2 and 3, the child does not require any absence from school.

Exceptions:

- 1 When the production is organised by a school (of education); in this case the school is solely responsible for all aspects of the child's welfare and there is no requirement to gain any form of consent from the Local Authority or to employ a Chaperone.
- 2 When the production is organised by an amateur group such as a youth club or amateur operatic society (the legislation calls this group a 'Body of Persons'). The organisers of the group must apply for and obtain permission from the Local Authority before any child can appear in their production. Although there are no rules in the legislation that cover this type of production the Local Authority may make conditions, one of which could be the requirement for an approved Chaperone to look after the children.
- 3 When the child is taking part in no more than 4 performances in a 6 month period there is no requirement for a licence. In any situation where absence from school is required to take part in a performance a licence is required and permission for absence from school must be obtained.

\*In Cumbria this is the responsibility of Children's Services.

Whenever a Performance Licence is issued, whether for a performance or an activity, there is a legal requirement that the child must be looked after (chaperoned) either by the child's own parent (the parent cannot delegate this responsibility to another person, ie another child's parent), or by a Chaperone who has been approved by the child's Local Authority (Regulation 15(1)).

Although it is common for a parent to chaperone their child during an activity (modelling or sport) it is more usual for a Chaperone to be employed (whether for payment or voluntarily) to look after children during performances. The Local Authority goes to great lengths to vet and approve suitable Chaperones.

The Local Authority may make a condition when approving a 'Body of Persons' application for an amateur group (see exception 2 above) that a Chaperone must be employed to look after the children. In this instance the Chaperone's role and duties are exactly the same as if an Performance Licence had been issued.

When an Performance Licence has been issued by the child's Local Authority the licence will be sent to the Licence Holder, a copy will also be sent to the child's parent (named in the application form), to the Local Authority where the event will take place (if the area is different from the issuing authority's area) and where applicable, the child's school. The licence may be amended or withdrawn in certain circumstances either by the issuing authority or the Local Authority in whose area the event is taking place.

If a child is to be absent from school whilst taking part in the event then there may be a condition on the child's licence to the effect that they must receive tuition during the event. The Licence Holder must provide a tutor, whose relevant teaching qualifications have been checked by the child's Local Authority, and a suitable place (schoolroom), approved by the Local Authority (in who's area the event is taking place) to receive the tuition.

The amount of tuition a child must receive is given on pages 21 and 22.

## The Chaperone's Role and Duties

### Overview

It is the producer of the performance or the organiser of the activity who is responsible for finding an approved Chaperone for the child. The Local Authority does not act as an employment agency and is not responsible for finding work for Chaperones or for recommending particular Chaperones to producers. It will, however, supply a list of approved Chaperones (who have given their written consent) to such people. Any contract is between the producer/organiser and the Chaperone.

The Chaperone, who may be a man or a woman, is the KEY PERSON who protects, safeguards and supports the child and is responsible for the child's welfare. The Chaperone is acting in loco parentis and their first duty is to the children in their care. The child's welfare overrides the needs of the producer or company. The Chaperone is the person who has the care and control of the child. Regulation 15(1) and must ensure the child's well being, even though they may at times be under pressure from other quarters to ensure, for instance, that schedules are kept or more rehearsal time is required.

Good communication and negotiating skills, with both children and adults are vital. A child's Performance Licence is a legal document and will specify where and when the event takes place, the child's role in the performance and whether education at the venue is required. The issue of the licence may have been dependent on certain conditions and these will be endorsed on the licence. It is therefore important that you familiarises yourself with the individual child's licence. The Licence Holder must ensure that the child's licence is available at the venue for your inspection.

Throughout the period of the licence the Licence Holder is responsible for ensuring that the regulations and any conditions that have been endorsed on the child's licence are complied with. The Chaperone must check that this is being done by keeping a record of the duration and timing of, rehearsals and performances, time spent at the venue, breaks and meals, education, waiting time between rehearsals/performances, overnight breaks, and any other incident regarding the child's welfare and treatment about which they are concerned.

### Role and Duties

It is the Chaperone's duty to stay with the child throughout the child's time at the venue (except when the child is under the charge of their parent or of an private

teacher) and the Chaperone must accompany the child to and from the dressing room, school room, studio, set or stage as well as remaining in the studio, on set or backstage whilst the child is there. The Chaperone must also remain with the child during meal and rest breaks, during periods of recreation, and, if the child is staying away from home in lodgings, must also stay with the child throughout their stay in the lodgings (more on this subject later). The Chaperone must not therefore be involved in any other activity, (ie, dresser, make-up) which will interfere with their duties and responsibilities as a Chaperone (Regulation 15(1)).

The legislation is very complex and appears daunting, but the Chaperone must have a working knowledge of the Regulations in order to carry out these duties with confidence. Further help and advice may be sought from the Local Authority that approved the Chaperone, the Local Authority that issued the child's licence, or the Local Authority in whose area the event is taking place. Seeking help or advice is not a sign of weakness but of common sense.

Remember, the child is in the care and control of the Chaperone. No one else, including the Licence Holder, production team member, star of the show, press, or any other person approaches or speaks with the child without the Chaperone's knowledge and consent.

Arrangements for handing over responsibility, eg between parent and Chaperone, Chaperone and private teacher, or Chaperone and Chaperone will vary according to the circumstances. It is important to ensure that there is never a time when it is unclear who is responsible for the child.

A basic knowledge of Health and Safety issues at the place of the performance or rehearsal is required in order that the Chaperone can assess any danger eg electrical equipment, locked fire exits, access to backstage areas by members of the public.

The Local Authority in whose area the event is taking place must approve the place of the performance or activity (Regulation 17(1)). This approval will consider, having regard to the age of the child and nature, time and duration of the performance, rehearsal or activity:

- That suitable arrangements have been made for the child's meals, for the child to dress, and for the child's rest and recreation.
- That the place is provided with suitable toilet and washing facilities.



- That the child will be adequately protected against inclement weather. The approval of the venue may be given subject to such conditions as the Local Authority consider necessary. The Chaperone must also consider all these things and if concerned must voice these concerns with the Licence Holder and negotiate better conditions. If the problem cannot be solved to their satisfaction they must seek advice from the appropriate Local Authority.

The maximum number of children that one Chaperone may look after is 12 but this may be too many if, for example, the children are living away from home, or they are very young, or maybe because a film set is spread over a large area and it is difficult to be aware of what each child is doing. If the Chaperone is concerned about the number of children they are looking after they must inform the Licence Holder and negotiate more supervisory help with the children.

If there is more than one Chaperone looking after the children then the Chaperones should work as a team, otherwise the children will become confused and this may have an effect on their well being.

In the event of any injury or illness to a child whilst in the care of the Chaperone or private teacher the Licence Holder is responsible for ensuring the child gets proper medical treatment and that the parent named in the licence application form and the Local Authority (where the event is taking place) are notified as soon as possible of the injury or illness. (Regulation 15(5)). The Chaperone will assist the Licence Holder in these circumstances and in the absence of the Licence Holder (eg during an overnight stay in lodgings) will carry out this duty.

If the child becomes ill or is under too much stress then the Chaperone has the duty and right to withdraw the child from the event until they are satisfied that the child is well enough to continue.

If the Chaperone considers that any of the arrangements made by the Licence Holder for the children and the Chaperone are not satisfactory then the Chaperone should negotiate better arrangements with the Licence Holder.

If the Chaperone comes to an impasse in any negotiations, or has to take some action (against the wishes of the Licence Holder) to secure the child's welfare, the Chaperone must contact the child's Local Authority or the Local Authority where the event is taking place and inform them of the circumstances. In these instances remember to make a written record of the details.

## Child Protection

It cannot be emphasised too strongly that if at any time the Chaperone is concerned about the welfare or treatment of the children they must act in the best interests of the child/children.

Working with children normally involves adults making the majority of the important decisions. This means that adults have most of the power and misuse of this power can lead to the abuse of children.

If the Chaperone feels that a child is worried about any matter concerning their treatment or welfare the Chaperone should provide the child with an opportunity to speak with them in confidence.

Children have the right to protection from neglect, physical, emotional and sexual abuse. A child might disclose to the Chaperone some details of abuse to them, or the Chaperone may discover evidence that abuse has taken place. These could be recent events or in the child's past. The Chaperone may be aware that another member of the company or production team has abused or is taking an 'interest' in the child. The Chaperone cannot keep these facts 'secret' but must discuss them with the Children's Services, the Police or the NSPCC.

In circumstances involving a member of staff or cast the Chaperone may feel that as well as informing the proper agencies, there is also a need to inform the designated Child Protection person within the company to ensure the safety and welfare of the child or other children. The Chaperone must do so with caution and only at the most senior level available. Make a written record of all the details. The Chaperone must ignore a request from any Licence Holder, their deputy, or any other person not to report the circumstances to the authorities on the pretext that they will make their own enquiries and deal with the matter. The Chaperone must inform the proper authority.

It may be that the Chaperone wishes to seek advice from the child's Children's Services or the Children's Services where the event is taking place as to what action the Chaperone should take but if the Chaperone is unable to contact them then they must contact one of the other agencies that deal with child abuse such as NSPCC or the police. In the event of being unable to inform the child's Children's Services before the other agencies the Chaperone must do so at the earliest opportunity. A written record of all the details must be made by the Chaperone.

There could be a time when the Chaperone feels that a situation involving a child's safety and well-being is beyond their control and that the child is in immediate physical or moral danger. At such times the Chaperone must do all they can to secure the safety of the child and if this is impossible the Chaperone must contact the police.

## Prior to the Event

- Regulations that cover the performance or activities and relevant age groups must be checked. This will give the Chaperone confidence in what they do.
- The Chaperone must check in which Local Authority area they will be working and make a note of the Children's Services telephone number and if possible the name of the Child Employment and Entertainment Officer.
- The Chaperone must make a list of contact telephone numbers, including Local Authorities, the Licence Holder, and any other person they think they might have a need to contact.
- Advice must be sought if necessary.

## Arrival at the Event

The Chaperone Must:

- Arrive before the children, especially if the venue is not known to them. This will give them time to have a look round and meet other people involved in the event.
- Make themselves known to the Licence Holder or their deputy and any other relevant person ie stage/floor manager, dressers, etc.
- From a health and safety point of view check all the 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 if necessary arrange a fire drill involving the children.
- Check the First Aid facilities and whether or not a person qualified in First Aid is present.
- Check that dressing rooms, toilets, schoolroom, rest room, meal arrangements and any other facilities are suitable.
- When checking dressing rooms, remember that children aged five years or over must only dress with other children of the same sex. (Regulation 17(4)).
- Liaise with any other Chaperones who have been employed and work as a team.
- Have a list of the names of the children they will be caring for. If there are more than twelve children and more than one Chaperone they must be sure who is looking after which children.
- Check the child's Performance Licence and note any conditions endorsed on it. The Licence Holder's copy of the licence must be available at the place where the event takes place.
- Make sure that there is a list of the children's home and emergency contact details which they can get access to at all times in case there is a need to contact their parents.
- Check with the Licence Holder to ascertain if any child has any medical problems or requirements. This information is strictly confidential but, as a Chaperone, there is a need to know. If a child becomes ill there may be something in the notes that will give 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. The Chaperone may need to remind a child to take their medication at a specific time.
- If the Chaperone is unhappy with any of the facilities or arrangements they should voice their concerns to the Licence Holder and negotiate better

conditions. If these negotiations are not successful they must consider whether they are going to allow the children to take part in the event. In these circumstances the Chaperone must inform the appropriate Local Authority as soon as possible with the details of the problem/s and the action taken.

- A checklist of things to consider on arrival at the venue is given in appendix C.

### During the Event

The Chaperone must remember that the child is in their care and control. The child does not do anything without their knowledge and approval and any contact with them by any other person is with their knowledge and approval. The child is in an adult environment and the Chaperone needs to ensure that they know what is expected of them.

The Chaperone may be asked to look after up to twelve children at the same time so it is important that they are able to be aware of what each child is doing and what their individual needs are.

The Chaperone should keep a small notebook handy to make notes of times of breaks, meals, performances, education, etc. They must remain with the child during breaks for meals and keep them properly occupied during periods of rest and recreation.

The Chaperone must not be 'sidetracked' away from their duty to the child by any other activity. The Licence Holder is employing the Chaperone to look after the child and cannot ask them to undertake any other task.

The Chaperone must escort and be with the child at all times. They must not be 'persuaded' to leave a child with other people to be dressed, made up or go through their lines, etc. where there is little or no opportunity for the Chaperone to observe or supervise the child. The Chaperone has been given the task of looking after the child and must be able to supervise them at all times.

Be aware of signs of tiredness or stress in a child. It is the Chaperone's duty to do something about it to relieve the pressure. If the Chaperone has to take the child out of the rehearsal, performance or activity to achieve this then it is within their power to do so.

During times of activity outdoors in inclement weather conditions (including extremes of heat, cold, and wet) the Chaperone must make sure that the child does not suffer the effects of those conditions and is not kept 'hanging about' outdoors. If the Chaperone is concerned, the child should be moved indoors until the Chaperone is satisfied that the child is ready to go back outdoors and that the production team is also ready.

There may be times when, due to demands on the Chaperone and the length of

time they are looking after the child, there is a need for the Chaperone to have a break. It is the Licence Holders duty to consider this as part of the Chaperone's employment contract and not expect them to work hour after hour without a break. Proper arrangements must be made by the Licence Holder to make sure the children are properly looked after on these occasions, eg by another approved Chaperone or the child's own parent, remembering that one Chaperone may only look after a maximum of twelve children.

There are differences between working as a Chaperone in a theatre setting and working in a recording/filming setting. Theatre work has specific times and schedules which are known in advance. Recording/filming work is more uncertain and often there are times when the child is kept waiting for someone to call them on set. It is at these times that the Chaperone's entertainment skills are required as the child may be confined to a caravan or other inhospitable place for long periods.

The Licence Holder has a duty to ensure that adequate facilities are made for the children and the Chaperone to have proper refreshment at appropriate times and it is the Chaperone's responsibility to ensure that this happens.

The child is within the Chaperone's charge until they are handed over to their parent, Private Teacher, or another approved Chaperone.

The Chaperone must remember that the child's parent has the right to expect their child to be returned to them without anything untoward having happened to them that could have been prevented.



### On Tour

The Licence Holder is responsible for finding suitable lodgings for the child and the Chaperone when they are away from home. They are also responsible for funding those lodgings, meals, transport, and suitable leisure activities for both the child and the Chaperone.

The Local Authority (where the lodgings are situated) must approve these lodgings. Before giving their approval they will consider; the time and distance the child will have to travel between the lodgings and the venue and the type of transport used; suitable meal arrangements at the lodgings; any other condition that may affect the welfare of the child.

The Chaperone is responsible for the child and it is their duty also to be satisfied that all the conditions surrounding the child living away from home are satisfactory in every way.

The sleeping arrangements for the Chaperone and the child must be such that the child has direct access to the Chaperone at all times without having to contact a third person. There must also never be a time when the Chaperone is unaware of the child's whereabouts.

Looking after children on tour is far more demanding than living at home where the Chaperone is with the children for only a few hours each day. On tour they may be responsible for the child 24 hours a day for as long as the tour lasts.

It is therefore important that arrangements are put in place by the Licence Holder to enable the Chaperone to have an amount of time to themselves. This amount of time will differ from event to event and from day to day but the Licence Holder must not expect the Chaperone to look after children 24 hours a day without a break.

If there are other Chaperones on the same tour then it may be possible to share the responsibility of looking after the children but don't forget that one Chaperone can only look after a maximum of twelve children.

## The Local Authority

As has been previously mentioned there could be as many as three Local Authorities where the Chaperone could seek help and advice. These are:

- the Local Authority who approved the Chaperone;
- the Local Authority who issued the child's licence; and
- the Local Authority in who's area the event is taking place.

If the Chaperone is looking after several children from different Local Authorities at an event taking place away from each child's local area then many more Local Authorities could be involved. A Child Employment and Entertainment officer from the Local Authority may visit the premises or location where the performance or activity is taking place.

These officers make every effort to visit events that are taking place within their area. This will give the Chaperone an opportunity to speak with them, but if the Chaperone is unhappy with any of the arrangements then they must make a positive effort to contact one of the officers and not wait for them to visit.

The Chaperone may feel, on occasions, that they should bring a particular problem to the notice of the officer but may be concerned about the reaction of the Licence Holder. Remember - the child's welfare is paramount. Any information that is passed to the officer will be treated with confidentiality. When trying to contact an officer from the Local Authority the Chaperone must bear in mind that generally they can only be contacted during normal office hours.

If the Chaperone is unsure about any of their duties, or there is a section of the legislation that they are not clear about, then please contact one of the Child Employment and Entertainment Officers. We are there to help and advise.

Should a Chaperone fail to carry out their role and duties properly their approval as a Chaperone could be withdrawn.

## Chaperone discretion (Regulation 29)

**29-(1) The chaperone in charge of a child may allow that child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in regulation 21 provided that:**

- a) the total number of hours during which the child takes part in a performance or rehearsal, including the period not exceeding one hour, does not exceed the maximum number of hours permitted under regulation 22;
- b) it appears to the chaperone that the welfare of the child will not be prejudiced; and
- c) it appears to the chaperone that the conditions requiring the child to take part in a performance after the latest time specified arose in circumstances outside the control of the licence holder.

**(2) Where the chaperone allows a child to take part in a performance after the latest time specified in regulation 21, the licence holder must ensure that the chaperone notifies the licensing and host authorities no later than the following day and provides the reason for this decision.**

**(3) The chaperone in charge of a child may allow one of the break for meal, required under regulation 23 to be reduced where the child is taking part in a performance or rehearsal outside, provided that:**

- a) the duration of the break is not less than thirty minutes; and
- b) the maximum number of hours during which the child may take part in a performance or rehearsal under regulation 22 is not exceeded.

## Night-work (Regulation 28)

**28-(1) Subject to paragraph (2), a licensing authority may permit a child to take part in a performance before the earliest and after the latest times set out in regulation 21.**

**(2) Where a licensing authority permits a child to take part in a performance before the earliest and after the latest times set out in regulation 21**

- a) the number of hours during which the child takes part in a performance between the latest and earliest times must be included when calculating the maximum number of hours that the child may take part in a performance or rehearsal in compliance with regulation 22;
- b) the child must not take part in any other performance or rehearsal until at least sixteen hours have elapsed since the end of the child's part in the performance; and
- c) where the child takes part in a performance between the latest and earliest times on two consecutive days, the licensing authority must not permit the child to take part in any further performance in the hours between the latest and earliest times during the seven days immediately following those two days.

## Education (Regulation 13)

### **13-(1) The licensing authority must not grant a licence unless it:**

- a) is satisfied that the child education will not suffer by reason of taking part in the performances or activities;
- b) has approved the arrangements (if any) for the education of the child during the period to which the licence applies; and
- c) has approved the place where the child is to receive education, subject to such conditions as it considers necessary to ensure that the place is suitable for the child's education.

### **(2) The licence holder must ensure that any arrangements approved by the licensing authority for the child education are carried out.**

### **(3) The licensing authority must not approve any arrangements for the education of a child by a private teacher unless it is satisfied that:**

- a) the proposed course of study for the child is satisfactory;
- b) the proposed course of study will be properly taught by the private teacher;
- c) the private teacher is a suitable person to teach the child in question;
- d) the private teacher will teach no more than six children (including the child in question) at any time, or twelve children if all the children being taught have reached a similar standard in the subject being taught to the child in question; and
- e) the child will, during the period to which the licence applies, receive education for periods, which when aggregated, total not less than three hours on each day on which the child would be required to attend school if the child were attending a school maintained by the licensing authority.

### **(4) The requirements of paragraph (3)(e) are deemed to have been met if the licensing authority is satisfied that the child will receive education:**

- a) for not less than six hours a week;
- b) during each complete period of four weeks, or if there is a period of less than four weeks, during that period, for periods not less than the aggregate periods of education required by paragraph (3)(e) in respect of the period;
- c) on days on which the child would be required to attend school if the child were a pupil attending a school maintained by the licensing authority; and
- d) for not more than five hours on any such day.

**(5) For the purposes of this regulation, any period of education does not include:**

- a) any period which takes place other than during the hours when a child is permitted to be present at a place of performance or rehearsal under regulation 21; and
- b) any period of less than thirty minutes.

## Appendix A

### Children in entertainment restrictions in relation to all performances

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

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

## Appendix B

### **Cumbria Child Employment and Entertainment Team**

Children's Services  
Blencathra House  
Tangier Street  
Whitehaven  
CA28 7UW

Tel: **01946 505553**

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Cumbria County Council:

**01228 606060**  
**cumbria.gov.uk**

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If you are concerned about the welfare of a child please contact the Cumbria Safeguarding Hub on **0333 240 1727** or by email at:  
**safeguardinghub.fax@cumbria.gov.uk.**

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Cumbria Police:

**0845 330 0247**

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NSPCC helpline:

**0808 800 5000**

Childline:

**08001111**

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## Appendix C



### Check List - Arrival at the Venue

The Chaperone may find it useful to photocopy this page to use at each job they attend.

✓ OK

- |  |                          |
|--|--------------------------|
| ● Familiarise yourself with the venue's layout   | <input type="checkbox"/> |
| ● Identify all hazard areas  | <input type="checkbox"/> |
| ● Locate all fire exits  | <input type="checkbox"/> |
| ● Ask to hear sound of fire alarm  | <input type="checkbox"/> |
| ● Arrange fire drill (with alarm) for children   | <input type="checkbox"/> |
| ● Locate first aid facilities  | <input type="checkbox"/> |
| ● Inspect dressing rooms (separate for 5 years and over)                                     | <input type="checkbox"/> |
| ● Locate and inspect toilets   | <input type="checkbox"/> |
| ● Locate and inspect rest rooms  | <input type="checkbox"/> |
| ● Locate and inspect school room   | <input type="checkbox"/> |
| ● Check on meal arrangements   | <input type="checkbox"/> |
| ● Check total number of children   | <input type="checkbox"/> |
| ● Check total number of Chaperones   | <input type="checkbox"/> |
| ● Acquire list of children's names   | <input type="checkbox"/> |
| ● Check each child's Performance Licence   | <input type="checkbox"/> |
| ● Ensure you have emergency home contacts for each child                                     | <input type="checkbox"/> |
| ● Where relevant, ensure you have details of each child's medical problems and/or medication | <input type="checkbox"/> |

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STATUTORY INSTRUMENTS

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**2014 No. 3309**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Children (Performances and Activities) (England)  
Regulations 2014**

*Made* - - - - - *15th December 2014*  
*Laid before Parliament* *17th December 2014*  
*Coming into force* - - *6th February 2015*

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The Secretary of State for Education makes the following Regulations, in exercise of the powers conferred by section 25(2) and 25(8) of the Children and Young Persons Act 1933(a) and section 37(3), 37(4), 37(5), 37(6), 39(3) and 39(5) of the Children and Young Persons Act 1963(b):

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(a) 1933 c.12; section 25(2) was amended by section 10 of the Employment Act 1989 (c.38) and regulations 5(c), (d) and (e) of S.I. 1998/276; section 25(8) was amended by regulation 5(d) of S.I. 1998/276.

(b) 1963 c.37; section 37(3) was amended by section 582(1) of the Education Act 1996 (c.58) and regulation 12(4)(a), (b) and (c) of S.I. 1998/276; section 37(4) was amended by regulation 12(5)(a) and (b) of S.I. 1998/276; section 37(6) was amended by regulation 12(6) of S.I. 1998/276; section 39(3) was amended by regulation 14(3)(a) and (b) of S.I. 1998/276; and section 39(5) was amended by regulation 14(4) of S.I. 1998/1678.

## PART 1

### General

#### Citation, commencement, and application

1.—(1) These Regulations may be cited as the Children (Performances and Activities) (England) Regulations 2014 and come into force on 6th February 2015.

(2) These Regulations apply in relation to—

- (a) the granting of licences in respect of children resident in England by local authorities in England to take part in performances or activities within Great Britain, where required by section 37(1) of the 1963 Act;
- (b) the granting of licences in respect of children not resident in Great Britain by local authorities in England to take part in performances or activities within Great Britain, where the applicant for the licence is resident or has a place of business within the area of that local authority, where required by section 37(1) of the 1963 Act;
- (c) performances in England, for which no licence is required by virtue of section 37(3)(a) of the 1963 Act; and
- (d) the granting of licences by justices of the peace in England under section 25 of the 1933 Act to enable children to take part in performances or activities abroad for profit.

#### Interpretation

2. In these Regulations—

“the 1933 Act” means the Children and Young Persons Act 1933;

“the 1963 Act” means the Children and Young Persons Act 1963;

“activity” means taking part in a sport, or working as a model in the circumstances specified in section 37(1)(b) of the 1963 Act;

“chaperone” has the meaning given in regulation 15(1);

“day” means a period of twenty-four hours beginning and ending at midnight and, for the purposes of regulation 28 and paragraph 13 of Part 2 of Schedule 2, any performance taking place after midnight and before the earliest permitted hour as defined in regulation 21 shall be deemed to have taken place before midnight;

“education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980(a);

“host authority” means the local authority or, in Scotland, the education authority in whose area a performance or activity takes place;

“licence holder” means the person to whom a licence is granted by the licensing authority;

“licensing authority” means the local authority to which the application for a licence is made and which grants the licence;

“parent” means a person who has parental responsibility, as defined in section 3 of the Children Act 1989(b), for the child in question;

“rehearsal” means, other than for the purposes of paragraph 15 of Part 2 of Schedule 2, any rehearsal for, or preparation for, a performance, being a rehearsal which takes place on the day

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(a) 1980 c.44. This definition was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 118(9).

(b) 1989 c.41.

of performance or during the period beginning with the first and ending with the last performance;

“school leaving age” means the age at which a person ceases to be of compulsory school age in accordance with section 8(3) of the Education Act 1996(a); and

“week” means a period of seven days beginning with the day on which the first performance or activity for which the licence is granted takes place or any seventh day after that.

## Revocations

3. The Regulations listed in Schedule 1 are revoked in respect of England.

## PART 2

### Documentation requirements relating to all licences

#### Application for licence

4.—(1) An application for a licence must—

- (a) be made in writing by—
  - (i) the person responsible for the organisation of, or the engaging of the child in, the activity; or
  - (ii) the person responsible for the production of the performance in which the child is to take part;
- (b) contain the information specified in Parts 1 and 2 of Schedule 2;
- (c) be signed by the applicant and a parent of the child; and
- (d) be accompanied by the documentation specified in Part 3 of Schedule 2.

(2) The licensing authority may refuse to grant a licence if the application is not received at least twenty-one days before the day on which the first performance or activity, for which the licence is requested, is to take place.

#### Licence conditions

5. The licensing authority must impose any conditions which it considers necessary in order to ensure that—

- (a) the child is fit to take part in the performance or activity;
- (b) proper provision is made to secure the child’s health and kind treatment; and
- (c) proper provision is made to ensure that the child’s education will not suffer.

6. Where the applicant requests a licence for a child to take part in a particular activity, performance or rehearsal, but is unable to specify the dates upon which the child will take part in that activity, performance or rehearsal at the time of the application, if the licensing authority decides to grant the licence, it must impose a condition that the child may only take part in that particular activity, performance or rehearsal for a specified number of days within a six month period.

7.—(1) Where the licensing authority considers that the information provided by the applicant is insufficient to enable it to decide whether to issue a licence or whether to issue a licence subject to conditions, the licensing authority must request additional information or documentation to enable it to make such a decision.

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(a) 1996 c.56.

- (2) In particular, the licensing authority may—
- (a) request that a child be medically examined;
  - (b) request a report from the head teacher or principal of the school that the child attends;
  - (c) interview any proposed private teacher;
  - (d) interview the applicant, the child, the child’s parents, or the proposed chaperone, as appropriate.

**Form of licence**

- 8.**—(1) A licence must include—
- (a) the name of the child;
  - (b) the name of the parents of the child;
  - (c) the name of the applicant;
  - (d) the names, times, nature and location of the activity or performance (and location of any rehearsal if different) for which the licence has been granted;
  - (e) the dates of the activity, performance or rehearsal, or instead of the dates, the number of days on which the child will participate in the activity, performance or rehearsal and the period, not exceeding six months, in which the activities, performances or rehearsals may take place in accordance with regulation 6;
  - (f) any conditions, which the licensing authority considers necessary for the grant of the licence; and
  - (g) a statement that the licence is subject to the restrictions and conditions contained within these Regulations.
- (2) A photograph of the child must be attached to the licence.

**Particulars that a licensing authority must provide in respect of a licence**

**9.** The licensing authority must send a copy of the licence to the parent who signed the application form.

**10.** Where a performance or activity is to take place in the area of a host authority other than the licensing authority, in accordance with section 39(3) of the 1963 Act, the licensing authority must send to that host authority a copy of the application form, licence, any additional information or documentation obtained by it under regulation 7 and, where the licensing authority approves any arrangements for the child’s education, details of the days during the period of the licence on which the child subject to the licence would ordinarily be required to attend school if that child were attending a school maintained by the licensing authority.

**Records to be kept by the licence holder under section 39(5) of the 1963 Act**

**11.** For six months from the date of the last performance or activity to which the licence relates, the licence holder must retain the records specified in—

- (a) Part 1 of Schedule 3, where the licence is granted in respect of a performance; or
- (b) Part 2 of Schedule 3, where the licence is granted in respect of an activity.

**Production of licence**

**12.** The licence holder must, on request, produce the licence at all reasonable hours during the period beginning with the first and ending with the last performance or activity to which the licence relates, at the place of performance (or any place of rehearsal), or the place where the activity to which the licence relates takes place, to an authorised officer of the host authority or a constable.

## PART 3

General requirements applicable to all licensed performances or activities

### Education

- 13.**—(1) The licensing authority must not grant a licence unless it—
- (a) is satisfied that the child’s education will not suffer by reason of taking part in the performances or activities;
  - (b) has approved the arrangements (if any) for the education of the child during the period to which the licence applies; and
  - (c) has approved the place where the child is to receive education, subject to such conditions as it considers necessary to ensure that the place is suitable for the child’s education.
- (2) The licence holder must ensure that any arrangements approved by the licensing authority for the child’s education are carried out.
- (3) The licensing authority must not approve any arrangements for the education of a child by a private teacher unless it is satisfied that—
- (a) the proposed course of study for the child is satisfactory;
  - (b) the proposed course of study will be properly taught by the private teacher;
  - (c) the private teacher is a suitable person to teach the child in question;
  - (d) the private teacher will teach no more than six children (including the child in question) at any time, or twelve children if all the children being taught have reached a similar standard in the subject being taught to the child in question; and
  - (e) the child will, during the period to which the licence applies, receive education for periods, which when aggregated, total not less than three hours on each day on which the child would be required to attend school if the child were attending a school maintained by the licensing authority.
- (4) The requirements of paragraph (3)(e) are deemed to have been met if the licensing authority is satisfied that the child will receive education—
- (a) for not less than six hours a week;
  - (b) during each complete period of four weeks, or if there is a period of less than four weeks, during that period, for periods not less than the aggregate periods of education required by paragraph (3)(e) in respect of the period;
  - (c) on days on which the child would be required to attend school if the child were a pupil attending a school maintained by the licensing authority; and
  - (d) for not more than five hours on any such day.
- (5) For the purposes of this regulation, any period of education does not include—
- (a) any period which takes place other than during the hours when a child is permitted to be present at a place of performance or rehearsal under regulation 21; and
  - (b) any period of less than thirty minutes.

### Earnings

**14.** The licensing authority may include a condition in the licence that any or all of the sums earned by the child for taking part in the performance or activity be dealt with in a particular manner by the licence holder.

### Chaperones

- 15.**—(1) A licensing authority must approve a person to be a chaperone to—
- (a) have care and control of the child; and

(b) safeguard, support and promote the wellbeing of the child, whilst the child is taking part in an activity, performance, or rehearsal or whilst the child is living elsewhere than the place the child would otherwise live during the period to which the licence applies.

(2) Paragraph (1) does not apply if a child is being cared for by a parent or teacher who would ordinarily provide the child's education.

(3) The maximum number of children a chaperone may take care of at any one time is—

- (a) twelve; or
- (b) where the person approved to act as a chaperone is the private teacher of the child in question, three.

(4) The licensing authority must not approve a person as a chaperone unless it is satisfied that the person—

- (a) is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question; and
- (b) will not be prevented from carrying out duties towards the child by duties towards other children.

(5) Where a child suffers any injury or illness while under the care of the chaperone, the licence holder must ensure that the parent of the child named in the application form and the licensing and host authorities are notified immediately of such injury or illness.

### **Accommodation**

**16.**—(1) Where a child is required to live somewhere other than where that child would usually live during the period to which the licence applies by reason of taking part in the performance or activity for which the licence is obtained, the licensing authority must approve that place as being suitable for that child.

(2) The licensing authority's approval may be subject to any of the following conditions—

- (a) that transport will be provided for the child between the place of performance, rehearsal or activity, and the accommodation;
- (b) that suitable arrangements are made for meals for the child; and
- (c) any other condition conducive to the welfare of the child in connection with that accommodation.

### **Place of performance and place of rehearsal**

**17.**—(1) The licensing authority must approve any place where the child will perform, rehearse or take part in any activity.

(2) The licensing authority must not approve the place of performance, rehearsal or activity unless it is satisfied that, having regard to the age of the child and the nature, time and duration of the performance, rehearsal or activity—

- (a) suitable arrangements have been made for—
  - (i) the provision of meals for the child;
  - (ii) the child to dress for the performance, rehearsal or activity; and
  - (iii) the child's rest and recreation, when not taking part in a performance, rehearsal or activity;
- (b) the place has suitable and sufficient toilets and washing facilities; and
- (c) the child will be adequately protected against inclement weather.

(3) The licensing authority may give its approval subject to such conditions as it considers necessary.



(4) In paragraph (2)(a)(ii), arrangements for a child who has attained the age of five years to dress for a performance, rehearsal or activity are not suitable unless such a child can dress only with children of the same sex as the child in question.

**Travel arrangements**

18. The licence holder must ensure that suitable arrangements (having regard to the child’s age) are made to get the child home or to any other destination after the last performance or rehearsal, or the conclusion of any activity on any day.

**PART 4**

**Restrictions in relation to all performances**

**Application of this Part**

19. The requirements in this Part apply to all licensed performances and to all performances, which are exempted from the requirement to obtain a licence, under section 37(3)(a) of the 1963 Act.

**Employment**

20. A child taking part in a performance must not be employed in any other employment on the day of that performance or the following day.

**Earliest and latest times at place of performance or rehearsal**

21.—(1) Table 1 sets out the earliest and latest times a child may be at a place of performance or rehearsal.

(2) This regulation does not apply where the place of performance or rehearsal is the place where the child ordinarily lives or receives education.

**Table 1**

<i>Age of child</i>	<i>Earliest time</i>	<i>Latest time</i>
Birth until child reaches 5	07:00	22:00
5 to school leaving age	07:00	23:00

**Attendance at place of performance or rehearsal and hours of performance**

22.—(1) Table 2 sets out the maximum number of hours a child may be at a place of performance or rehearsal, may perform or rehearse in one day and may perform or rehearse continuously.

(2) When calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, any periods of education required to comply with arrangements approved under regulation 13 must be taken into account, even if that education is provided elsewhere than at the place of performance or rehearsal.

**Table 2**

<i>Age of child</i>	<i>Maximum number of hours in one day at place of performance or rehearsal</i>	<i>Maximum number of hours of performance or rehearsal in one day</i>	<i>total</i>	<i>Maximum continuous number of hours of performance or rehearsal in one day</i>
Birth until child reaches 5	5	2		0.5

5 until child reaches 9	8	3	2.5
9 to school leaving age	9.5	5	2.5

**Breaks on any day on which a child is performing or rehearsing**

- 23.**—(1) When a child under the age of five is present at the place of performance or rehearsal—
- (a) any breaks must be for a minimum duration of fifteen minutes, except that where a child is present for four or more consecutive hours, any such breaks must include at least one break of forty-five minutes used for the purpose of a meal; and
  - (b) any break must be used for the purposes of meals, rest, education and recreation.
- (2) When a child aged five or over is present at the place of performance or rehearsal for more than four, but less than eight consecutive hours, the child must have a minimum of:
- (a) one meal break of a minimum duration of forty-five minutes; and
  - (b) one other break of a minimum duration of fifteen minutes.
- (3) When a child aged five or over is present at the place of performance or rehearsal for eight or more consecutive hours, the child must have:
- (a) the breaks required under regulation 23(2); and
  - (b) at least one other break of a minimum duration of fifteen minutes.
- (4) Subject to regulation 23(5), a child must have a break of a minimum duration of one and a half hours between the child’s participation in consecutive performances where on the same day—
- (a) the child performs the same part or takes the place of another performer in more than one instance of the same performance including rehearsals, falling within section 37(2)(a) or (b) of the 1963 Act, for which a licence has been obtained;
  - (b) the child is taking part in performances under different licences granted in respect of the child; or
  - (c) the child is taking part in a performance for which a licence has been obtained and in a performance for which a licence is not required under section 37(3)(a) of the 1963 Act.
- (5) Where the earlier performance or rehearsal is less than one hour in duration, and—
- (a) the following performance or rehearsal takes place at the same place of performance or rehearsal; or
  - (b) there is no time required for travel between the earlier and consecutive performance or rehearsal,
- the break between those performances (or rehearsals) may be reduced to a minimum of forty-five minutes.

**Minimum breaks overnight**

**24.** Subject to regulation 28, a child must have an overnight break of a minimum duration of twelve hours between attendance at a place of performance or rehearsal.

**PART 5**

**Restrictions and exceptions in relation to all licensed performances**

**Application of this Part**

**25.** The restrictions and exceptions in this Part apply to all licensed performances.

## Maximum number of consecutive days on which a child may take part in performances or rehearsals

26. A child must not take part in performances or rehearsals on more than six consecutive days.

## Break in performances

27.—(1) A child who takes part in performances, other than circus performances, on the maximum number of consecutive days permitted by regulation 26 for a period of eight consecutive weeks, must not take part in any performance or rehearsal during the fourteen days following the last performance.

(2) This requirement does not apply if the number of days specified in the licence on which the child may perform is fewer than sixty.

## Night-work

28.—(1) Subject to paragraph (2), a licensing authority may permit a child to take part in a performance before the earliest and after the latest times set out in regulation 21.

(2) Where a licensing authority permits a child to take part in a performance before the earliest and after the latest times set out in regulation 21—

- (a) the number of hours during which the child takes part in a performance between the latest and earliest times must be included when calculating the maximum number of hours that the child may take part in a performance or rehearsal in compliance with regulation 22;
- (b) the child must not take part in any other performance or rehearsal until at least sixteen hours have elapsed since the end of the child's part in the performance; and
- (c) where the child takes part in a performance between the latest and earliest times on two consecutive days, the licensing authority must not permit the child to take part in any further performance in the hours between the latest and earliest times during the seven days immediately following those two days.

## Chaperone discretion

29.—(1) The chaperone in charge of a child may allow that child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in regulation 21 provided that—

- (a) the total number of hours during which the child takes part in a performance or rehearsal, including the period not exceeding one hour, does not exceed the maximum number of hours permitted under regulation 22;
- (b) it appears to the chaperone that the welfare of the child will not be prejudiced; and
- (c) it appears to the chaperone that the conditions requiring the child to take part in a performance after the latest time specified arose in circumstances outside the control of the licence holder.

(2) Where the chaperone allows a child to take part in a performance after the latest time specified in regulation 21, the licence holder must ensure that the chaperone notifies the licensing and host authorities no later than the following day and provides the reason for this decision.

(3) The chaperone in charge of a child may allow one of the break for meal, required under regulation 23 to be reduced where the child is taking part in a performance or rehearsal outside, provided that—

- (a) the duration of the break is not less than thirty minutes; and
- (b) the maximum number of hours during which the child may take part in a performance or rehearsal under regulation 22 is not exceeded.

PART 6

Licences to perform and participate in activities abroad

**Form of Licence**

30. A licence granted under section 25 of the 1933 Act must include—
- (a) the name of the child;
  - (b) the name of the applicant;
  - (c) details of the engagement that the child is going abroad to fulfil;
  - (d) the date on which the licence is granted and upon which it will expire;
  - (e) details of any security given by the applicant in accordance with section 25(6) of the 1933 Act;
  - (f) details of any conditions considered necessary for the grant of the licence; and
  - (g) the signature of the person granting the licence.

**Information to be provided to consular officer**

31. Where a licence under section 25 of the 1933 Act is granted, renewed or varied, the particulars which the justice of the peace must send to the Secretary of State for transmission to the proper consular officer are—

- (a) the name and address of the child;
- (b) the date, place of birth and nationality of the child;
- (c) the name and address of the applicant for the licence;
- (d) the name and address of the parent of the child;
- (e) details of the engagement, including where and for how long the child is to participate;
- (f) a copy of the contract of employment or other document showing the terms and conditions on which the child is engaged; and
- (g) a copy of the licence.

*Edward Timpson*  
Parliamentary Under Secretary of State  
Department for Education

15th December 2014

SCHEDULES

SCHEDULE 1

Regulation 3

Revocations

**Table 3**

<i>Regulations</i>	<i>Reference</i>
The Children (Performances) Regulations 1968	1968/1728
The Children (Performances) (Miscellaneous Amendments) Regulations 1998	1998/1678
The Children (Performances) Amendment	2000/10

## SCHEDULE 2

### Information Required For A Licence Application

#### PART 1

##### Information to be provided by the applicant in relation to the child

1. Name, address and date of birth of the child for whom the licence is requested.
2. Name and address of the school currently attended by the child or, if the child is not attending a school, the name and address of the child's private teacher.
3. Details of each licence in relation to the child granted during the twelve months preceding the date of the application by any local authority, or in Scotland, any education authority, other than the licensing authority to which the application is made, stating in each case—
  - (a) the name of the local authority or the education authority;
  - (b) the date on which the licence was granted; and
  - (c) the dates and nature of performances or activities.
4. Details of each application in relation to the child for a licence refused by any local authority, or in Scotland, any education authority, other than the licensing authority to which the application is made, in the twelve months preceding the date of the application, stating in each case—
  - (a) the name of the local authority or the education authority; and
  - (b) the reasons (if known) for the refusal to grant a licence.
5. Details of any performances for which a licence was not required, by virtue of section 37(3) of the 1963 Act, in which the child took part during the twelve months preceding the date of the application, stating in each case—
  - (a) the date of the performance;
  - (b) the number of days of performance;
  - (c) the title of the performance; and
  - (d) the name and address of the person responsible for the production of the performance in which the child took part.
6. Dates (if any) on which the child has been absent from school during the twelve months preceding the date of the application by reason of taking part in a performance or activity.
7. Amount of any monies earned by the child during the twelve months preceding the date of the application, 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.

#### PART 2

##### Information to be provided by the applicant about the performances or activities

8. Name, title and address of the applicant.

9. Name and nature of the performances or activities in respect of which the licence is requested (for example, theatrical, filming, sport, modelling), and a description of what the child will be required to do as a result of taking part in the performances or activities.

10. Place of activities, performances and rehearsal for which the licence is requested, including any periods on location.

11. The dates of activities, performances or rehearsals for which the licence is requested, or the number of days, and the period during which, it is requested that the child may take part in activities, performances or rehearsals.

12. Expected total running time or duration of activities or performances (including any rehearsal) in respect of which a licence is requested and the approximate duration of the child's appearance in such performances or activities.

13. The amount of night-work (if any) for which approval is being sought from the licensing authority under regulation 28 stating—

- (a) the approximate number of days;
- (b) the approximate duration on each day; and
- (c) the reason that the performance must take the form of night-work.

14. The sums to be earned by the child in taking part in the performances or activities in respect of which the licence is requested, and the name, address and description of the person to whom or to which the sums are to be paid, if not to the child in question.

15. Where a licence is requested in respect of a performance, the proposed arrangements for any rehearsals prior to the first performance for which the licence is requested, stating in respect of each rehearsal—

- (a) the date;
- (b) the place; and
- (c) the approximate time and duration.

16. The days or half days on which leave of absence from school is requested to enable the child to take part in performances (including rehearsals) or activities for which the licence is requested.

17. Proposed arrangements (if any) under regulation 13 for the education of the child during the period for which the licence is requested stating—

- (a) where the education is to be provided by a school, the name and address of the school to be attended; or
- (b) where the education is to be provided otherwise than by a school—
  - (i) the name, address and qualification of the proposed private teacher;
  - (ii) the place where the child will be taught;
  - (iii) the proposed course of study;
  - (iv) the number of other children to be taught by the private teacher at the same time as the child in respect of whom the application is made, and the sex and age of each child; and
  - (v) whether the child is to receive the amount of education in accordance with regulation 13(3)(e).

18. The name and address of the proposed chaperone, or where no such chaperone is required by virtue of regulation 15(2), the name and address of the parent or teacher who will have care of the child.

19. The name of the local authority, or in Scotland, the education authority (if any), which has previously approved the appointment of the chaperone for the purposes of a licence.

**20.** The number of children to be in the charge of the chaperone during the time when the chaperone will be in charge of the child in respect of whom the application is made, and the sex and age of each child.

**21.** The address of any accommodation where the child will live if different from the place where the child would ordinarily live, the number of other children, and details of the chaperone (if any), who will live in the same accommodation.

**22.** Approximate length of time which the child will spend travelling, and the arrangements (if any) for transport—

- (a) to the place of performance, rehearsal or activity; and
- (b) from the place of performance, rehearsal or activity.

**23.** The name of any other local authority, or in Scotland, any 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).

### PART 3

#### Required documentation

**24.** For the purposes of regulation 4(1)(d), the required documentation is—

- (a) a copy of the birth certificate of the child;
- (b) two identical photographs of the child taken during the six months preceding the date of the application; and
- (c) 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.

### SCHEDULE 3

Regulation 11

#### Records To Be Kept By The Licence Holder

### PART 1

#### Licence granted in respect of a performance

**1.** The licence.

**2.** The following particulars in respect of each day on which the child is present at the place of performance or place of rehearsal—

- (a) the date;
- (b) the time of arrival at the place of performance or rehearsal;
- (c) the time of departure from the place of performance or rehearsal;
- (d) the times of each period during which the child took part in a performance or rehearsal;
- (e) the time of each rest interval;
- (f) the time of each meal interval; and
- (g) the times of any night-work authorised by the licensing authority under regulation 28.

3. Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.

4. Details of injuries and illnesses (if any) suffered by the child at the place of performance or place of rehearsal, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance or place of rehearsal.

5. The dates of the breaks in performances required under regulation 27(1).

6. The amount of all monies earned by the child by reason of taking part in the performance and the names, addresses and description of the persons to whom such sums were paid.

7. Where the licensing authority grants a licence subject to the condition that sums earned by the child must be dealt with in a manner approved by it, the amount of the sums and the manner in which they have been dealt with.

## PART 2

### Licence granted in respect of an activity

8. The records specified in paragraphs 1, 2(a), 3, 6 and 7, as if any reference in those paragraphs to a “performance” were a reference to the activity for which the licence was granted.

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Parts 2 to 5 of these Regulations set out the requirements in relation to applications made to local authorities in England for, and the conditions that apply to, licences for performances and activities granted under section 37 of the Children and Young Persons Act 1963 (“the 1963 Act”), as well as requirements applicable to performances for which no licence is required by virtue of section 37(3)(a) of the 1963 Act.

Part 6 of these Regulations sets out requirements in respect of licences granted under section 25 of the Children and Young Persons Act 1933 (“the 1933 Act”) for children performing or taking part in activities abroad for profit.

Regulation 3 revokes the Children (Performances) Regulations 1968, and a number of sets of amending regulations, in respect of England.

Part 2 of these Regulations includes information as to documentation requirements relating to all licences, the powers of local authorities to impose conditions on a licence, records that must be retained by the licence holder and requirements in respect of the production of the licence by that person.

Part 3 of these Regulations sets out general requirements in respect of all licensed performances and activities. These include measures concerning the wellbeing of the child, in particular in relation to their education, supervision and accommodation during the period to which the licence applies.

Part 4 of these Regulations sets out requirements that apply to licensed performances and to performances for which a licence would be required, but for the exemption under section 37(3)(a) of the 1963 Act. These include restrictions in relation to working hours and breaks.

Part 5 of these Regulations sets out further restrictions and exceptions to the rules in Part 4, which apply to licensed performances only. These further relate to working hours and breaks and allow local authorities in England and chaperones to exercise discretion in certain circumstances.



Part 6 of these Regulations sets out the requirements in relation to the content of licences granted under section 25 of the 1933 Act (permitting children to perform or take part in activities abroad for profit), and information that must be provided to the Secretary of State under section 25(8) of that Act, for transmission to the proper consular officer.

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