



**EMPLOYMENT OF CHILDREN IN ENTERTAINMENT
CHILDREN AND YOUNG PERSONS ACT 1963, S.37
PERFORMANCES AND ACTIVITIES (ENGLAND) REGULATIONS 2014**

CHAPERONES

June 2019

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So you want to chaperone children in entertainment. There will probably be several questions you will be asking yourself:

- What skills do I need?**
- How and where do I register?**
- What are my responsibilities?**
- Which parts of the regulations must I know?**
- What are the responsibilities of the licence holder?**

This brief guide was designed to answer some basic questions, but there may be occasions when further clarification and greater depth into the regulations will be required and for this you should contact either your licensing authority (Local Education Authority), the child's licensing authority (Local Education Authority) or the authority where a performance is taking place (Local Authority).

CHAPERONING SKILLS

The law states that 'the Chaperone is acting **in loco parentis** and should exercise the care which a good parent might reasonably be expected to give that child'.

- The child will be working in a very 'adult' environment and you need to be able to ensure that they understand what is expected of them, taking into account their age and experience.
- You need to take account of a child's concentration span, their exposure to adult conversations and expectations and peer pressure.
- Health and Safety issues on stage or on set, i.e. electrical equipment such as leads, sound equipment and cameras can all be very dangerous. Children should not be allowed to 'fool around'.
- The child may not be 'in school' but that doesn't mean the hours they are tutored are less important than those spent at school.
- You need to be able to tell when the child is ill, tired or upset. Don't ignore them in order to meet the production's schedule. Remember, children are not 'little adults'. It can often be difficult for children to communicate their feelings in a way in which adults understand, therefore, you will be the intermediary between them and the production company.
- The concentration span of children is far shorter than that of adults (depending on age) therefore you need the skills to be able to occupy, or enable them to occupy, their non-performance time which is especially important during filming and when on location. This may include physical activities or it may be that the child should just rest and quietly read a book.
- Different skills will be required when chaperoning in a theatre as opposed to a film set or on location. There is much more 'hanging about' time during filming and the weather may lead to the child being confined in a caravan for quite long periods – remember their energy level is far higher than ours and the children may need more individual attention.
- Bullying – you must always be aware of bullying as it can be very subtle. It may be easy to spot a physical fight or sideways kick but it is not always quite so easy to spot the odd word or joke directed periodically toward one particular child. This sort of behaviour should be nipped in the bud immediately otherwise it could affect both the child and the production.
- Finally, performing should be an enjoyable experience for the child and for you. Good communication and negotiating skills, be they with the child or with the variety of adults involved in a production, are vital.

REGISTRATION – Regulation 12

Application for a Chaperone Licence should be made to the LEA in the area where **YOU** live. Brighter Futures for Children require:

- A completed application form together with one passport sized photograph
- The names of two referees (who we will contact for references)

- An Enhanced DBS Clearance

Once approval has been granted you will receive a licence valid for two years. Brighter Futures for Children retains the right to revoke any chaperone licence should this be considered necessary to maintain the safety of children. Should you wish to renew your chaperone licence please contact Brighter Futures for Children at least eight weeks prior to your licence expiry date.

RESPONSIBILITIES

Your FIRST responsibility is to the child in your care. While you are chaperoning you should not be performing any other duties. Remember, you are in loco parentis (except when the child is in the care of a teacher).

It is your responsibility, together with the Licence Holder, to ensure that the Regulations (and any additional requirements issued by the child's Licensing Authority) are upheld at all times. You may find yourself under pressure, by the production company from time to time, to relax the regulations due to re-scheduling but you must remember that your first duty is to the **care of the child**. Therefore, having a good knowledge of the Regulations, knowing where to go for additional advice, coupled with firm negotiating skills, are crucial elements to good chaperoning.

1. You should be with the child at all times whether on set/stage area, dressing rooms, recreation, meal and break areas etc. You are the KEY PERSON to whom the child looks to for protection, clarification and support. If the facilities are 'wanting' e.g. dressing rooms, toilets etc, **YOU** should negotiate better facilities with the producer. Children are not 'add ons' to a production, their care is paramount at all times. You can obtain additional support from your licensing LEA, the child's licensing LEA or the LA in whose area the performance is taking place.
2. The law states that the maximum number of children in your care should not exceed 12. In a lot of instances 12 may be far too high if there are several very young children and several adolescents and especially if the children are living away from home (they would need more individual attention). These factors should be taken into account when deciding on the number of children you agree to chaperone. We would strongly recommend for all types of performances, a maximum of 8 children per Chaperone, providing you with a higher standard of care to the children.
3. Although a maximum length of time for travelling is not laid down in the Regulations, due consideration should be given to the child's age, the length of time at the place of performance and the duration of the production. Therefore, taking into account the child's welfare, it may be more sensible for a production company to schedule each child's performance days in blocks per week or provide accommodation nearer to where the performance is taking place rather than travelling several hours each day and attending school in between. Remember, schedules can be amended if they are not working satisfactorily.
4. Illness or injury – at no time should a child perform when unwell. If a child falls ill or is injured while in the Chaperone's or Tutor's charge medical assistance must be gained and the parent/guardian and the licensing LEA informed immediately. **Always** have a contact number for parents.
5. **Living away from home** – the Chaperone is responsible for the child and should accompany him/her at all times. This responsibility includes seeing that his/her lodgings are satisfactory in every way; and that she/he is properly occupied during his/her spare time and that there are suitable arrangements for meals -food should normally be provided at the lodgings. The chaperone must arrange to sleep in the accommodation in which the children sleep near to the rooms occupied by the children. Generally, you may need to exercise a greater amount of supervision than if the child was living at home. Again, if there are problems here, which cannot be resolved, contact the child's licensing LEA or the LA in whose area the performance is taking place.
6. Dangerous Performances – NO child (generally) under the age of 16 may take part in dangerous performances. But, from the age of 12 children may be trained to take part in dangerous performances but only under licence. This should be authorised by the LEA in advance of the performance and extra vigilance maintained by you throughout.

7. Records, by law (ref.39(5)), should be available to a visiting officer of the LEA by Producers. Chaperones are often designated to keep these in respect of the child: -

- Times child is at the place of performance
- Times child performs and/or rehearses
- Times child has breaks and meals
- Times child is waiting between performances, i.e. re-scheduling

(See Table)

If you feel pressurised to accommodate a production's schedules and you are unsure of the legalities of what they may be asking of the child – **Stop! Think! and Check** Regulations before agreeing to anything. Failing a satisfactory conclusion, phone the LEA of LA either at the time or as soon as is practically possible for further advice or support.

REGULATIONS - In relation to all performances

- **Rehearsals** The LEA, in deciding whether to grant a Licence, and if so for how many days, will take into account any other work the child does in the 28 days preceding the first performance, and the amount of rehearsing the child is to do in the 14 days preceding the performance.
- **Education (Reg. 10)** – a child must be taught on **ALL school days** (in the area in which he performs) for periods totalling not less than 3 hours per day (minimum 30 minutes) between the hours at which the child is permitted at the place of performance. Teaching must be within these hours and not added on to the time at the place of performance.

(See Broadcast Exceptions aggregating education hours)

- **Tutors** – A tutor may only teach a maximum of 6 children of differing levels at the same time. If the children are at the same level they may teach up to a maximum of 12. Tutor, school and parents in liaison with the child's LEA (LEAs discretion) may stipulate a reduced number of children be taught at any one time. Tutors should liaise closely with the school, especially where long absences from schools are scheduled to ensure that the curriculum is adhered to, in order to avoid the child falling behind in his or her studies. Remember the child's education is paramount and conditions may be placed on a Licence.
- Maximum 2 performances (either 1 performance plus 1 rehearsal or 2 performances) on any day but only 1 rehearsal or performance allowed on a school day (unless the absence is authorised by the LEA and the child's school).
- There must be a minimum interval of 1 hour 30 minutes between performances if there are 2 performances on the same day.
- A child may only perform and be at the place of performance on 6 consecutive days in a 7 day period.
- Maximum consecutive weeks must not exceed 8 without an interval of at least 2 weeks.
- An interval of 14 hours must elapse between a child leaving and arriving at a place of performance.
- If the Chaperone is satisfied that serious dislocation of schedules resulted in the child being requested to work beyond the allotted time and the Chaperone may permit the child to continue for 1 further hour. This is providing that the total work done in that day does not exceed that allowed for a child of his age (**see table**). When ANY such extension is authorised the Chaperone must notify the LA in whose area the child is working, either on the same day or the following day.
- **Education – aggregating hours** – educational hours may be aggregated during each complete period of 4 weeks (or performance periods exceeding 1 week) as long as the child receives not less than 6 hours tuition per week and for not more than 5 hours per day during the permitted time allowed for a child of that age to be present at a place of performance, e.g. 5 days performing: 3 hrs x 5 days = 15 hours x 4 wks = 60 hours tuition required over 4 week period. Children should not be allowed to lose educational hours due to long productions and heavy scheduling. Tuition days

may include non-school days only under these exceptions. Agreement should be sought from the child's LEA/School prior to aggregating hours.

Nightwork (indoors or out)

- LEAs may also allow working before the earliest and after the latest times set out, (see table) if they are satisfied that it is impracticable to complete the work before or after then. Any performance time which takes place before or after the earliest and latest 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 the regulation. The child MUST also have a break of at least 16 hours before he returns to the place of performance after nightwork and if he/she does night work on 2 consecutive nights he/she CANNOT do any further nightwork for AT LEAST another week (7 days).
- Nightwork MUST be agreed in advance and the LEA is NOT BOUND to allow night work even if they are satisfied that the child's appearance is necessary if it may cause ANY harm to the child.

LICENCE HOLDER RESPONSIBILITIES

Section 37(1) "...a child shall not take part in a performance to which this section applies except under the authority of a licence". Section 58 Education Act 1944 " 'child' a person who is not over compulsory school age." Performances to which Act applies see S.37 subsection (2). Performances for which a Licence is not required see S.37(3). Offences – contravention to S.37 summary conviction Level 3 (Children and Young Persons Act 1963, s.40 as amended by the Criminal Justice Act 1982, ss 38 & 46).

It is the responsibility of the Licence Applicant/Holder to ensure that: -

- ❑ They have submitted a completed Licence application form (Schedule I and II plus all attachments) to the Brighter Futures for Children, Education Welfare Service, (or if the child does not live in this Authority, the LEA responsible for the area where the child lives), at least 21 days (Regulation 1 Schedule 1) before the first performance date.
- ❑ A child does not perform unless the applicant, who applied for the Licence, i.e. producer, agent and so forth is in receipt of the child's Licence.
- ❑ Each child's Licence and Chaperone/Tutor records are available at the place/places of performance, and held by the Licence Holder for a minimum period of 6 months at the address given on the application (which needs to be the Head (main) Office and NOT the location address, i.e. temporary residence of a production at a studio or location) if requested for inspection by an officer of the LEA.

Note: An authorised officer of the LA in whose area a performance takes place may at any time enter any place where a performance licensed or unlicensed to which S.37 applies and may make enquiries about any child taking part in a performance.

- ❑ Suitable travel arrangements are provided.
- ❑ Suitable arrangements for nutritional meals are provided – not take away snacks. Any special diets required for medical, or on moral or religious grounds, must be provided for.
- ❑ Suitable accommodation and sanitary provision is provided. Separate facilities for boys and girls.
- ❑ Suitable meal, rest, recreational and educational facilities are provided.
- ❑ Adequate protection against inclement weather is provided.
- ❑ The child must be guarded against exposure to possible harm, including abuse or discrimination.
- ❑ A Health and Safety 'risk assessment' has been undertaken at the place of the performance by the Production Company. Other areas, for example: satisfactory fire regulations; a first aider present at all times; staff, chaperones and children made fully aware of evacuation procedures in case of emergencies such as fire. Contact the relevant Environmental Health Department for further details on Health and Safety – Management of Health and Safety at Work Act 1999

PLUS – Any other conditions or provisos placed on the child’s Licence by the issuing LEA together with the legal requirements under the **Children (Performances) Regulations 1968 (Miscellaneous Amendment 1998)** are met.

INSPECTION

It is good practice to ensure that regular inspections are carried out without prior notice, at places of entertainment. Inspections are normally undertaken by LEA staff. The officer would make his or herself known to the chaperone on arrival and will have proper identity cards.

Chaperones should under no circumstances hand any child over to, or let the child be examined by, any other person. The only exceptions to this are with the prior approval of the child’s parent, or in emergencies, and then under the supervision of a doctor, police officer in uniform, or other suitable persons.

GENERAL

The chaperone should be thoroughly familiar with the terms of the licence granted by the LEA and see that, as far as it lies within his/her power, the conditions are properly fulfilled. The chaperone should also familiarise themselves with first aid, and the basics of health and safety legislation.

Chaperones are approved only for the period of time that they are actually employed as a chaperone, ie two years. Any approval is granted subject to certain conditions: any breach of these conditions could lead to approval being withdrawn.

When approved, chaperones are required to notify the LEA in writing within seven days of

- Any arrest for any offence triable in a Court of Law, or any conviction in such a Court, whether in the United Kingdom or not.
- Any serious or notifiable illness or debility
- Any change of address or name.

The Chaperone should keep the certificate of approval in a safe place, and ensure that they take it with them each day that they are employed as a chaperone and have it available for inspection should the need arise.

Chaperones hired for work will be sent copies of the licences (usually via the applicant) and should study the conditions to ensure that they are complied with, including rest periods, arrangements for tuition, meals etc. A timetable should be kept of the various periods during the hours of the licence.

CHILDREN IN ENTERTAINMENT RESTRICTIONS IN RELATION TO ALL PERFORMANCES

	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum time at place of performance	5 hours	8 Hours	9 ½ Hours
Maximum times present	Between 7am to 10pm	Between 7am to 11 pm	Between 7am to 11pm
Maximum period of continuous performing or rehearsal	30 minutes	2.5 hours	2.5 hours
Max time to take part without rest	30 minutes	45 minutes	1 hour
Maximum total hours of performance or rehearsal	2 hours	3 hours	5 hours
Minimum rest/meal times	<p>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.</p>	<p>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</p>	<p>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</p>
Education	NIL	<p>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.</p>	<p>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.</p>
Minimum break between performances	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

Contact

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