

HERTFORDSHIRE GUIDE TO CHAPERONING

This brief guide was designed to answer some basic questions, but there will be occasions where further clarity and depth, especially with regard to the Regulations, will be required and for this you should contact your chaperone licensing authority (Local Authority).

CHAPERONING SKILLS AND CHILD PROTECTION

The law states that *'the chaperone is acting in loco parentis and should exercise the care which a good parent might reasonably expect 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 also need to take account, and be aware of, a child's concentration span, their exposure to adult conversations, peer pressure and relationships with other adults in the production
- Health and Safety issues on stage or on set, i.e. smoking policy, 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 (3 hours minimum tutoring required on a school day)
- You need to be able to tell when a child is ill, tired or upset. Don't disregard a child 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/non-tutoring 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 oppose 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's not always quite so easy to spot the odd word or joke directed, albeit innocently, towards one particular child. This sort of behaviour should be 'nipped in the bud' immediately otherwise it could effect both the child and the production
- Has the company got a Child Protection Policy? And a Nominated Contact Person with child protection training or experience as a point of reference for both staff and chaperones? Ask them, make enquires.....
- Safe Practice. All production staff, actors, cast, crew and chaperones (including dressers and make-up) should be mindful of their conduct around children. Any unnecessary physical contact should be avoided, as it could be misconstrued, either by the child themselves or others. Be sensible, do not leave a child alone with other adults or put yourself in a vulnerable position
- Any unusual or disturbing behaviour or comments by a child regarding an adult member of the production or a peer should be reported to a senior member of the production (or nominated child protection person) and where appropriate referred onto Social Services. In serious situations, where contact is difficult, call the police
- If an allegation is made against a member of the production, chaperone, cast or helper, full co-operation will be sought from those in charge, the individual member of staff and the licensing authority. In the case of serious allegations it will be necessary to suspend the member of staff immediately until the investigation is concluded. It may be necessary to exclude from the theatre/rehearsal rooms/location/film set etc. the person against whom the allegation has been made or ensure that they do not have unsupervised contact with any child
- Finally, remember performing should be an enjoyable experience for the child and for you. Good communication and negotiation skills, be they with the child or with the variety of adults involved in the production, is vital

RESPONSIBILITIES

Your FIRST responsibility is to the child in your care and you are required to have care and control of the child. Remember, you are *in loco parentis* (except when the child is in the care of the tutor).

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

Remember, if 'thing's aren't right' and you object, you are not 'creating a fuss'. The reason and expectation behind your LA issuing you with a chaperone licence is in order to care and protect the child. You may fear that if you object the 'company' will not employ you again? We are aware that this can be a real fear but it should not override your main responsibility, which is to the child/children in your care. Please report any incidents to your licensing authority to enable them to follow up with the company concerned. We will back you up, but we need you to let us know what's going on out there.

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 for protection, clarification and support – you are the **KEY** to a happy performing experience. If the facilities are '*wanting*' YOU should negotiate better facilities with the production. Children are not 'add ons' to a production their care is paramount at all times. You can obtain additional support from your licensing LA, child's licensing LA or the LA in who's 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, as 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 (rather than an odd day here and there throughout a week) or provide accommodation nearer to where the performance is taking place rather than travelling several hours each day or every other day and attending school in between.
Remember, schedules can be amended if they are not working satisfactorily. If the travelling is proving a problem for the child you could raise this with production and agree accommodation in a hotel?

4. Living away from home – the chaperone is responsible for the child. This includes seeing that the child’s lodgings are satisfactory in every way, and that the child is properly occupied during his/her spare time. 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 LA, or the LA in whose area the performance is taking place.
5. 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 LA informed immediately. **Always** have a contact number for parents.
6. Dangerous Performances – These must be authorised **before** a licence is issued. *SEE LICENCE HOLDER RESPONSIBILITIES*. If you think a performance is dangerous and not authorised STOP, THINK, CONSULT with production and their H&S officer. If you believe what is being asked of the child is still unacceptable STOP the performance until you are satisfied. It may help to talk to the LA in whose area the performance is taking place, the local Environmental Health or the theatre/studio H&S officer. The production will know who these people are and will have their contact numbers.
7. Records, should be available to a visiting officer of the LA by the production. Chaperones are often designated, by the production company, to keep these records in respect of the child:-
 - Times child is at place of performance (arrivals/departures)
 - Times child performs and/or rehearses
 - Times child has breaks and meals
 - Times child is waiting between performances, i.e. rescheduling

REGULATIONS

All Performances

- **Rehearsals** – The Act applies to performances but not rehearsals. Rehearsals are however affected by the Regulations. If they take place during the currency of a licence (between first and last performing day) they are subject to the same restrictions and conditions applicable to that licence i.e. time at place of performance, performing times and so forth. Rehearsals also count as a performance when calculating length of working week i.e. 6 days
- **Education** (*Reg.13*) a child must be taught on **ALL school days** (in the locality 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. Tuition must be within these hours and not in addition to the hours at the place of performance.

- **Tutors** – a tutor may only teach a maximum of 6 children on 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 parent, in liaison with the child's LA (*LA's discretion*), may stipulate a record number of children to be taught at any one time. Tutors should liaise closely with the child's school, especially where long absences from school 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 important and conditions may be placed on the child's licence, by the child's LA, in order to accommodate the child's educational requirements.

BROADCAST PERFORMANCES

- Work in broadcasting and filming is very different from work in the theatre and imposes greater strain on the child. By its very nature, and because it is subject to factors such as the weather, a rigid working schedule fixed in advance is often impractical. Since it is not always possible to adhere to original production scheduled, the times when a child may be required for the recording of a scene cannot, again, always be forecast easily. Taking this into account broadcast performances are, to some extent, more restrictive yet more flexible than other types of performances.

BROADCAST EXCEPTIONS

- 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 is also satisfied that the child's welfare would not suffer, the chaperone may permit the child to continue for a further one hour. This is providing that the total work done in that day does not exceed that allowed for a child of his age. When ANY such extension is authorised the producer/chaperone should 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: $3 \text{ hours} \times 5 \text{ days} = 15 \text{ hours} \times 4 \text{ weeks} = 60 \text{ hours tuition required over 4 week period}$. 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 LA/school prior to aggregating hours.

Nightwork (indoors or out)

- LA's may also allow working after midnight ONLY if they are satisfied that it is impracticable to complete the work before then. Any performing which takes place after midnight counts as part of the performing time allowed on the previous day. 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 nightwork of 2 consecutive nights he/she CANNOT do any further nightwork for AT LEAST another week (7days).
- Nightwork MUST be agreed in advance and the LA is NOT BOUND to allow nightwork even if they are satisfied that the child's appearance is necessary if it may cause ANY harm to the child. Hours outside those permitted for a child of that age would, generally, be considered as nightwork.

LICENCE HOLDER (APPLICANT) 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 – contraventions to *S. 37* summary conviction Level 3 (*Children & Young Persons Act 1963, s. 40 as amended by the Criminal Justice Act 1982, ss 38 & 46*)

- Productions MUST ensure a completed Licence application form (Schedule I & II plus all attachments) is sent to Hertfordshire County Council's Children's Services, or if the child does not live in Hertfordshire, the LA responsible for the area where the child lives, at least 21 days before the first performance date. A child cannot legally perform unless the applicant ("*person responsible for the production of the performance in which the child takes part*" – *this should not be a recruitment agent/agency or anyone who is not producing the production*) is in receipt of the child's licence (physically has the licence at the place of performance). Note: Hertfordshire LA will accept any Schedule 1, Part I (plus annexe) & Part II application form & attachments, irrespective of other LA logos and style differences. Hertfordshire LA issue a copy of the child's licence to: applicant, school, parent and LA where performance is taking place.
- Productions MUST ensure that each child's licence and chaperone/tutor records are available at each place of performance when the child is working. Once the production is complete these records are held by the licence holder (applicant) for a minimum period of 6 months at the address given on the licence application (which needs to be the Head (main) Office not the location address i.e. temporary residence of a production at studio or location) if requested for inspection by an officer of the LA at a later date.
- Productions MUST ensure that a Health & Safety 'risk assessment' has been undertaken at a place of the performance:- smoking policy on and off

the set; fire regulations/certificate; first aider contact person. All staff, chaperones and children should be made fully aware of the evacuation procedures. If you are not advised of these – ASK! You can contact the relevant Environmental Health Department for further details on Health & Safety – *Management of Health and Safety at Work Act 1999*.

- Productions to ensure suitable travel arrangements are provided □
- Productions to ensure suitable arrangements for meals are provided
- Productions to ensure suitable accommodation and sanitary provision is provided
- Productions to ensure meal, rest, recreational & educational facilities are provided
- Productions to ensure adequate protection against inclement weather is provided

IMPORTANT NOTE: *Length of time at place of performance applies to the time the child actually arrives and actually leaves the place of performance. If arrangements have been made to arrive and have breakfast or the time it takes to get changed, have dinner at the end of the day etc. This **MUST BE** included within the allotted hours 'for a child of that age' i.e. 0 to 4, 5 to 8, 9 and over.*

ADDITIONAL INFORMATION

- Does the company, as an employer, have a Child Protection Policy and nominated person with child protection training or experience as a point of reference for chaperones, and who can assist in making a referral to the relevant social services department for the area the performance is located in? SEE CHAPERONE SKILLS & RESPONSIBILITIES.
- An authorised officer of the LA in whose area the 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 they suspect of taking part in a performance.
- LA's may request whatever information they feel appropriate for the purpose of deciding whether to grant a licence. An LA may also, in particular, make enquiries they think necessary to enable them to decide whether the licence should be granted subject to a condition to protect the child's earnings *Reg 14*).
- Dangerous Performances. No person under 12 may be trained to take part in 'performances of a dangerous nature' S.24. A person aged 12 to 16 (child over compulsory school age) may be trained to take part in dangerous performances under certain circumstances S.30. Any performances which may be considered dangerous should be discussed with the LA prior to issuing a licence. Checks may be required/arranged by the LA prior to agreement that a performance of this nature may take place. This may also involve Environmental Health and Health and Safety department inspections.

- Conditions or provisos may be placed on the child's licence by the issuing LA (times, nightwork, tutoring etc.) together with the legal requirements under the legislation.
- Non-UK children working in this country. Applications should be made to the LA in whose area the applicant lives or has his business *S.37(1)*, or where the child is resident during the period of a performance. All non-UK children are required to be licensed to perform in the UK.
- UK children performing abroad must be licensed to do so through Bow Street Magistrates Court or Local Magistrates Court *S.25/26*.
- Unlicensed Performances. A child of any age may take part in unlicensed performances on 4 days in any period of 6 months, subject to compliance with the hours of work, rest and meals prescribed in *S37 (3)* of the Regulations. This exemption **does not apply** if a child performs during a day on which they would be in school, nor if the performance is to be broadcast or recorded. This exemption is for occasional performances of any kind.

**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.

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

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ISSUED	ACTS/REGULATIONS
1933	Children & Young Persons Act
1963	Children & Young Persons Act
ISSUED	STATUTORY INSTRUMENTS
2014	No. 3309

