

## **Freedom of Information – Response – 27388**

*I am writing under the Freedom of Information Act 2000 to request information held by the Council in its capacities (i) as the Local Authority responsible for the administration of child performance licensing under the Children and Young Persons Act 1963 and the Children (Performances and Activities) (England) Regulations 2014, (ii) as the Local Authority responsible for the administration of children's employment under section 18 of the Children and Young Persons Act 1933 and the Council's child employment byelaws made thereunder, and (iii) as the Local Authority responsible for s.47 Children Act 1989 safeguarding functions in respect of children in its area.*

### *Definitions*

*"Watoto" refers to Watoto Child Care Ministries (registered charity in England and Wales, number 1090810) and any performance group or touring entity operated under its name, including but not limited to the Watoto Children's Choir.*

*"Children's performance" has the meaning given to "performance" by the Children (Performances and Activities) (England) Regulations 2014.*

*"Children's employment" refers to the engagement of any child in work as defined by section 18 of the Children and Young Persons Act 1933, the Council's child employment byelaws made under that section, and the Employment of Children Act 1973 (as amended) and its associated regulations. This is distinct from a child's engagement in a "children's performance" as defined above.*

*The "relevant period" is 1 January 2026 to the date of receipt of this request.*

*For the avoidance of doubt, I am not requesting the names, dates of birth, or any other personal data of any individual children. I am content for the Council to apply standard s.40(2) FOIA redactions for the personal data of any child, any host-family adult, and any junior officer below Service Manager grade.*

### *Information requested*

*1. Whether the Council holds a record of any Body of Persons Approval (BOPA) — issued by the Department for Education or by any other Local Authority — under which Watoto has performed, or proposes to perform, at any venue within the Council's area during the relevant period. If yes, the date of issue, the issuing body, and the period of validity.*

*Suffolk County Council (SCC) have not issued any BOPA licence to Watoto.*

*2. Whether the Council has received, during the relevant period, any application from Watoto for the issue of an individual child performance licence under regulation 2 of the Children (Performances and Activities) (England) Regulations 2014, in respect of a child engaged in a children's performance taking place within the Council's area. If yes, the number of applications, the dates received, and the outcome of each (granted, refused, withdrawn, or returned as incomplete).*

*No, SCC have not received any applications.*

*3. Whether the Council has received, during the relevant period, any application from Watoto for the issue of a child employment permit (or any equivalent permission required under the Council's child employment byelaws made under section 18 CYPA 1933) in respect of a child engaged in work — including but not limited to merchandise sales, the handling of donations or "love offerings", equipment set-up or breakdown, hosting-related*

*administrative support, or any other non-performance activity — taking place within the Council's area in connection with a Watoto tour, event, or fundraising activity. If yes, the number of applications, the dates received, and the outcome of each.*

No – None received

*4. A copy of the Council's current child employment byelaws made under section 18 of the Children and Young Persons Act 1933, together with any guidance the Council publishes on the application of those byelaws to children temporarily present in the Council's area who are not ordinarily resident in the United Kingdom.*

Please see attached Suffolk Byelaws

*5. All written communications (including emails, letters, internal file notes, and the substantive content of any voicemail or telephone-call record) between the Council and Watoto during the relevant period, in connection with any children's performance, planned children's performance, children's employment, hosting arrangement, or fundraising event involving children within the Council's area. For the avoidance of doubt, "the Council" in this question includes — without limitation — the Child Employment Team, the Designated Officer for the management of Allegations against people who work with children (LADO), Children's Social Care, the Multi-Agency Safeguarding Hub (MASH), the Customer First children's services intake function, and the Council's licensing or legal services in connection with the above.*

None

Suffolk County Council have searched through their files, including emails and have used the search term 'Watoto' when reviewing if there have been any written communications between the Council and Watoto.

*6. Any internal Council correspondence, file notes, escalation logs, or referral records generated in connection with Watoto activities within the Council's area during the relevant period, including any contemporaneous notes of licensing, employment, or safeguarding concerns considered, raised, or referred onward.*

Suffolk County Council (SCC) is neither confirming nor denying whether this information is held under s.40(5) of the Freedom of Information Act 2000 (FOIA).

Whilst s.1(1)(a) of FOIA requires public authorities to confirm or deny whether information is held it also recognises that there are certain circumstances where this alone can disclose exempt information. S.40(5) provides an exemption from SCC's duty to confirm or deny holding information where doing so would involve the disclosure of personal data and contravene one or more of the data protection principles.

In this case, the information described in your request, if held, would relate to identifiable individuals and/or specific third parties in connection with regulatory, safeguarding, employment or licensing matters. This would constitute personal data.

To confirm whether or not such information exists would, in itself, reveal whether individuals or organisations have been subject to contact, consideration, or potential concerns by SCC or anyone else.

The ICO makes clear that the purpose of an NCND response is to ensure that no inferences can be drawn from whether information is held or not held.

Confirming or denying in this context could therefore:

- Reveal the existence (or absence) of safeguarding, regulatory or employment-related concerns about identifiable individuals or entities;
- Disclose information that individuals would not reasonably expect to enter the public domain;
- Breach the requirement for processing to be lawful, fair and transparent under data protection law.

As such, confirming or denying whether the Council holds the requested information would be likely to contravene the first data protection principle.

For these reasons, the Council can neither confirm nor deny whether it holds the information requested.

The fact that section 40(5) has been applied should not be taken as an indication that the requested information is or is not held.

*7. A copy of any standard guidance, policy document, or process note used by the Council's licensing or child employment team when assessing applications from organisations whose performers or workers are non-UK resident or whose principal place of business is outside the United Kingdom.*

Please see attached the Good Practice Guide issued by Suffolk County Council.

SCC haven't got any policies to cover non-UK residents but refer to the following websites for further guidance.

[Child Performance - NNCEE - National Network for Children in Employment & Entertainment](#)

[Apply for a child performance licence - GOV.UK](#)



# Suffolk County Council

## BYELAWS ON THE EMPLOYMENT OF CHILDREN 1998

### Explanatory notes (this note is not part of the Byelaws)

No child shall be employed:

- before the close of school hours on any day on which he is required to attend school;  
or
- before seven o'clock in the morning or after seven o'clock in the evening on any day;  
or
- for more than two hours on any day on which he is required to attend school;
- for more than two hours on any Sunday (but not before seven o'clock in the morning or after seven o'clock in the evening); or
- for more than eight hours or, if he is under the age of fifteen years, for more than five hours in any day -
  - (i) on which he is not required to attend school, and
  - (ii) which is not a Sunday; or
- for more than twelve hours in any week in which he is required to attend school;
- for more than thirty-five hours or, if he is under the age of fifteen years, for more than twenty-five hours in any week in which he is not required to attend school; or
- for more than four hours in any day without a rest break of one hour; or
- at any time in a year unless at that time he has had, or could still have, during a period in the year in which he is not required to attend school at least two consecutive weeks without employment (a two week period free from work during their school holidays each year).

# SUFFOLK COUNTY COUNCIL

## BYELAWS

Made .....

Coming into force .....

Suffolk County Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933, hereby makes the following Byelaws:

### Citation and commencement

1. These Byelaws may be cited as the Suffolk County Council Byelaws on the Employment of Children 1998 and shall come into force on 4.8.98.

### Interpretation and extent

2. In these Byelaws, unless the context otherwise requires:

“the authority” means Suffolk County Council;

“child” means a person who is not yet over compulsory school age as defined in section 8 of the Education Act 1996.

“employment” includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance;

“light work” means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed –

a) is not likely to be harmful to the safety, health or development of children; and

b) is not such as to be harmful to their attendance at school, their participation in work experience in accordance with section 560 of the Education Act 1996, or their capacity to benefit from the instruction received or, as the case may be, the experience gained.

“parent” includes any person who has for the time being parental responsibility for a child within the meaning of section 3 of the Children Act 1989.

“public place” includes any public park, garden, sea, beach or railway station and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise.

“street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe blacking and other like occupations carried on in any street or public place;

“year”, except in expressions of age, means a period of twelve months beginning with 1 January.

## **Prohibited employment**

3. No child of any age may be employed -
  - a) in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children; <sup>1</sup>
  - b) to sell or deliver alcohol, except in sealed containers;
  - c) to deliver milk;
  - d) to deliver fuel oils;
  - e) in a commercial kitchen;
  - f) to collect or sort refuse;
  - g) in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
  - h) in employment involving harmful exposure to physical, biological or chemical agents;
  - i) to collect money or to sell or canvass door to door, except under the supervision of an adult;
  - j) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
  - k) in telephone sales;
  - l) in any slaughterhouse or in that part of any butcher's shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
  - m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;
  - n) in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult.

## **Permitted employment of children aged 14 and over**

4. A child aged 14 or over may be employed only in light work.

## **Permitted employment of children aged 13**

5. A child aged 13 may not be employed except in light work in one or more of the following specified categories:
  - a) agricultural or horticultural work;
  - b) delivery of newspapers, journals and other printed material;
  - c) shop work, including shelf stacking;
  - d) hairdressing salons;

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<sup>1</sup> This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963, and the associated Regulations.

- e) office work;
- f) car washing by hand in a private residential setting;
- g) in a cafe or restaurant;
- h) in riding stables; and
- j) domestic work in hotels and other establishments offering accommodation.

### **Permitted employment of children under 13**

6. A child aged 10 or over may be employed on an occasional basis by and under the direct supervision of his parent in light agricultural or horticultural work.

### **Employment before school**

7. Subject to the other provisions of these Byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

### **Additional condition(s)**

8. No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

### **Notification of employment and employment permits**

9. Within one week of employing a child, the employer must send to the authority written notification stating:
- a) his own name and address;
  - b) the name, address and date of birth of the child;
  - c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and, if different from a) above, the place of employment;
  - d) a statement of the child's fitness to work and of approval for the child to be employed, completed by the child's parent;
  - e) details of the school at which the child is a registered pupil; and
  - f) a statement to the effect that an appropriate risk assessment has been carried out by the employer.
10. Where, on receipt of a notification, the local authority is satisfied that:
- a) the proposed employment is lawful;
  - b) the child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
  - c) the child is fit to undertake the work for which he is to be employed.

It will issue the child with an employment permit.

11. Before issuing an employment permit a local authority may require a child to have a medical examination.

12. The employment permit will state:
  - a) the name, address and date of birth of the child;
  - b) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and the place of employment;
13. A child may be employed only in accordance with the details shown on his employment permit.
14. A local authority may amend a child's employment permit from time to time on the application of an employer.
15. The local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe -
  - a) that the child is being unlawfully employed; or
  - b) that his health, welfare or ability to take advantage of his education are suffering or likely to suffer as a result of the employment.
16. A child must produce his employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

### **Street Trading**

17. No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless:
  - a) he is employed to do so by his parent, in connection with their retail business and under their direct supervision; and
  - b) he has been granted a licence to do so ("a street trader's licence") by the authority and is acting in compliance with the terms of that licence.
18. The authority shall not grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading, would be prejudicial to his health, welfare or ability to take full advantage of his education or the child's street trader's licence has previously been revoked.
19. A street trader's licence shall prohibit the holder from engaging in street trading on a Sunday, and shall:
  - a) be valid for not more than 12 months and shall expire on 31 December;
  - b) prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place; and
  - c) require that the child notify the authority within one week of any change of address.
20. The authority may suspend or revoke a street trader's licence if it has reason to believe that the holder's continued employment in street trading would be prejudicial to his health, welfare, or ability to take full advantage of his education, or if the holder:
  - a) is found guilty of any offence connected with the street trading;
  - b) commits any breach of these Byelaws or the terms of his street trader's licence;
  - c) uses the licence as a means for begging, immorality or any other improper purpose; or
  - d) fails to notify the authority within one week of any change of address.

**Revocation**

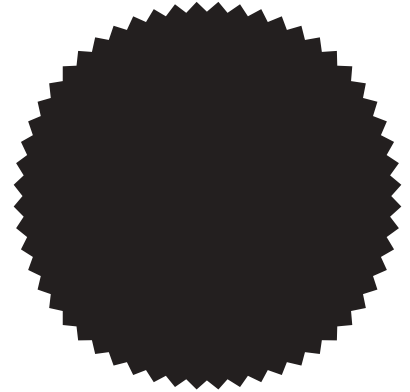
21. The Byelaws with respect to the employment of children made by Suffolk County Council on the 18th day of September 1984 and confirmed by the Secretary of State on the 25th day of February 1985 are hereby revoked.

THE COMMON SEAL of SUFFOLK COUNTY Council

was affixed to these Byelaws on 9th June 1998

in the presence of:

Signed P Harris



These Byelaws are hereby confirmed by

the Secretary of State for Health on 4 August 1998

and shall come into operation on 4 August 1998

Signed N F Duncan

A Senior Civil Servant  
on behalf of the Secretary of State for Health

## **EXPLANATORY NOTE**

(THIS NOTE IS NOT PART OF THE BYELAWS)

These Byelaws regulate the types of occupation in which children under school leaving age may be employed (byelaws 3-5), and other conditions of their employment. They provide for checks on a child's fitness for employment (byelaws 10 and 11) and for the issue of employment permits, setting out the occupation in which a child may be employed and his hours of work (byelaws 9-16). Employers are obliged to notify local authorities of their child employees (byelaw 9). Additional requirements are imposed on the employment of children in street trading, for which a local authority licence is required (byelaws 17-20).

These byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to prohibited occupations, hours of work and street trading in particular.

By virtue of section 560 Education Act 1996, enactments relating to the prohibition or regulation of the employment of children do not apply to children undertaking work experience within the meaning of the Act. "Enactment" for this purpose includes byelaws having effect under an enactment, so nothing in these Byelaws applies to a child's work experience.

### **Prohibited and permitted employment**

Children aged 13 are limited to employment in the occupations listed at byelaw 5. Children aged 14 or over are not limited in this way, but may only undertake light work (byelaw 4). Byelaw 3 lists various occupations which are prohibited for children, even if they would constitute light work. Many more occupations or specific tasks are prohibited by other legislation, including:

the Employment of Women, Children and Young Persons Act 1920, which prohibits the employment of children in any "industrial undertaking", including mines and quarries, manufacturing industry, construction and the transport of passengers or goods by road, rail or inland waterway (section 1 (1));

the Agriculture (Safety, Health and Welfare Provisions) Act 1956, under which it is an offence to cause or permit a child to ride on or drive a vehicle, machine or agricultural implement (section 7);

the Offices Shops and Railway Premises Act 1963, which provides that no young person may clean machinery if to do so would expose him to risk of injury (section 18);

the Betting Gaming and Lotteries Act 1963, which prohibits the employment of persons under 18 in effecting any betting transaction or in a licensed betting office (section 21);

the Licensing Act 1964, which prohibits the employment of children in the bar of licensed premises (section 170) and the Licensing (Occasional Permissions) Act 1983, which prohibits any person under 18 from selling or serving alcohol in premises authorised under the Act (paragraph 5(1) of the Schedule);

the Merchant Shipping Act 1970, by virtue of which no person under minimum school leaving age may be employed on a ship registered in the UK, except as permitted by Regulations made under the Act (section 5 1); and

the Manual Handling Operations Regulations 1992, which prohibit children from handling any load which is likely to cause injury to them.

It should be noted that this is not an exhaustive list.

The Children (Performances) Regulations 1968 provide that no child taking part in a performance for which a licence is required by section 37 of the Children and Young Persons Act 1993 may be employed in any other occupation on the day or days of that performance or the following day.

### **Street Trading**

Byelaws 17-20 permit the employment of children by their parents in street trading provided that they they have been issued with a licence by the local authority. Children who are licensed for street trading will be subject to the byelaws limiting their hours and other conditions of employment by virtue of being employed.

Street trading is also regulated under section 20 of the Children and Young Persons Act 1993 which provides that no child may engage in street trading unless authorised to do so by local authority byelaws. Such authorisation may only be given for children aged 14 or over who are employed by their parents.

### **Penalties**

Section 21 of the Children and Young Persons' Act 1993, as amended provides, inter alia, that:-

If a person is employed in contravention of Section 18 of the Act, or of the provisions of any Byelaws made thereunder, the employer and any other person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000).

If a person is employed in contravention of section 20 of the Act, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000); a person under compulsory school age who engages in street trading in contravention of the provisions of Section 20, or of any Byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (£200).

### **School Leaving Date**

The school leaving date is the last Friday in June of each year.

# **Good Practice**

## **For Voluntary Amateur Theatrical organisations**

Within the boundary of  
Suffolk County Council



# **Format of this document**

This document is made up of a number of separate sections; all are appropriate to voluntary/amateur theatrical organisations within the jurisdiction of Suffolk County Council as well as other interested parties.

The document has been created in this way so that each section can be used in a standalone manner, dependent on who needs to have the information contained in each section. It is therefore inevitable that some of the information is repeated in different sections, we hope not to cause confusion but to ensure that the appropriate information is given to each reader.

## **Acknowledgement**

Suffolk County Council acknowledges the contribution made by Essex County Council and NODA (National Operatic & Drama Association) in their 'Good Practice Guide' and for the permission to use the contents

Sharon Everitt  
Lead Attendance Officer (Practice)

With responsibility for Child Employment and Children in Entertainment

Created: 1<sup>st</sup> September 2008

Revised: January 2025



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**The welfare of the child is “paramount”**  
1989 Children’s Act

**Section 1. Introduction and background**

For some considerable time, nationally, organisations and individuals have raised concerns with a range of issues concerning the implementation of legislation for children who perform.

Suffolk County Council’s Education Attendance Service has a small, dedicated Child Employment Team whose responsibilities are the administering of:

- The regulations surrounding the part time employment of children from the age of 13 years until the end of their compulsory education;(13-16+ years) and
- The regulations concerning children who are involved in entertainment from birth until the end of their compulsory education. (0-16+ years)

The Team work to develop and maintain strong working relationships with those concerned with all issues of child employment.

## **Section 2. Legislation, definitions and licensing**

The following is a list of the legislation and regulations that govern **children in entertainment**:

- Children & Young Persons Act 1933 & 1963
- Children (Performances and Activities) (England) Regulations 2014
- Children (Performances) Regulations 1968
- The Children (Performance)(Miscellaneous Amendments) Regulations 1998(1)
- The Children (Performance)Amendment Regulations 2000
- The Children (Performance)(Amendment)(No.2) Regulations 2000
- Statutory Instruments: 1968 No.1728,1998 No.1678, 2000 No.10, & No.2384

### **Definition of a child**

For the purposes of children in entertainment a child is a person aged from birth until the end of their compulsory schooling (the last Friday in June of School Year 11).

### **The requirement to licence:**

#### **Children**

The above legislation requires licences to be issued by each Local Authority (LA) for: children who take part in one of the following categories:

- **Broadcast performances that cover** - films, TV, video – all performances that will be broadcast.
- **Non-broadcast performances that cover** - theatre, modelling, sport (activities), that are not broadcast.

Section 37(3)(b) of the Children and Young Persons Act 1963 does not require a child to be licensed if:

“(b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1996 or the Education (Scotland) Act 1962).....”

## Exemptions

The legislation and regulations enable some exemptions for the need to licence individual children who take part in entertainment.

Children are required to be licensed in one of three ways:

- An individual licence for each child.
- Under arrangement made by a '**Body of Persons Approval**'.
- Or the licensing authority agreeing to the **four-day rule** being applied.

To ensure that your society applies for the correct form of licence advice should be sought from the local licensing authority before an application is made. For County of Suffolk, it is Suffolk County Council who is the licensing authority. The Contact details are shown in various sections of this *good practice* document.

## Chaperones

There is a requirement for children taking part in a production to be chaperoned.

This can either be by the individual child's parent(s) or a licensed chaperone being engaged by the production company/producer.

The LA will licence an adult (18+) as a chaperone subject to various checks being carried out (see Section 8 of Good Practice)

There is a legislative requirement for children to be licensed to perform in a production unless an exemption applies. (see Section 3 of Good Practice.)

Children who take part in a rehearsal before the first day of the performance are not required to be licensed. However, taking part in a rehearsal during the life of a licence to perform may, in special circumstances, affect the number of days on which a child can perform (see Section 6 of Good Practice)

During rehearsals or group meeting sessions there is no legislative requirements to have licensed chaperones in attendance.

In terms of *good practice*, it is suggested that those adult helpers present on such occasions are encouraged to become licensed chaperones, to enable groups and

Societies to inform parents that the helpers have a Criminal Record Enhanced Disclosure and a Chaperone Licence from the licensing authority.

There are other advantages in having adult helpers to apply for chaperone licences (see Section 5 of Good Practice)

### **Section 3. Exemptions**

Suffolk County Council  
Education Attendance Service – Child Employment Team

Children and Young Persons Act 1963 The Children (Performances)  
Regulations 1968.

Children (Performances and Activities) (England) Regulations 2014

#### **Performances where an individual child does not need a licence**

Mainstream schools do not have to licence children taking part in productions organised by the school.

The above Act and Regulations enables two further categories of exemptions to be used by LA's whereby individual children do not need a licence. They are:

- The four-day rule; and
- A Body of Persons Approval.

The Child Employment Officer of Suffolk County Council promotes and enables voluntary and professional groups to use the above exemptions where appropriate. Where these exemptions are not applicable, applications for individual licences are available on request from the Child Employment Team.

It is also important to note that if there are queries or further explanation is required the Child Employment Officer / Education Welfare Officer(s) are pleased to help.

**Sections 4 and 5** of this Good Practice pack illustrates the requirements of the legislation to allow each exemption to be used.

#### **Further advice and information can be sought from:**

Children and Young People's Services  
Education Attendance Service  
Child Employment Team

Endeavour House  
8 Russell Road  
Ipswich

Telephone 01473 265195  
Website: [www.suffolk.gov.uk/childemployment](http://www.suffolk.gov.uk/childemployment)

Good practice for voluntary amateur theatrical organisations

IP1 2BX

Email: [childemployment@suffolk.gov.uk](mailto:childemployment@suffolk.gov.uk)

## Section 4. The four-day rule

The Children and Young Persons Act 1963  
The Children (Performances) Regulations 1968  
Children (Performances and Activities) (England) Regulations 2014

“The Act and the Regulations constitute a comprehensive code, governing the circumstances in which children under the upper limit of compulsory school age may take part in performances of all kinds, and containing safeguards for the children.”

The Act and Regulations identifies performances where an individual child does not need to be licensed:

### The four-day rule

This exemption can be considered for use by both professional and amateur companies. A licence is not required for a child if:

- They perform for only 4 days in any 6 month period; and
- They do not need time off from school to undertake the performance; and
- They do not receive any payment with the exception of out of pocket expenses.

If they take part in a performance for school (this is the educational school not a full-time drama school or a full time school of dance) a licence is not needed as this is seen as part of their compulsory education.

- Children who are exempt from needing a licence are still subject to Regulation 21, 22, 33 and 34.
- Section 7 of this Good Practice pack illustrates the requirements of Regulation 21, 22, 33 and 34.

It should be noted:

- That where children do not need to be licensed, they are still subject to certain restrictions and the LA has a duty to monitor the work these children are undertaking;
- A production that has children performing under the 4 day rule remains subject to inspection by the Child Employment Team and Education Welfare Officers.

### Accidents and Insurance Claims

Producers may wish to check with their insurance companies that in the event of a child being involved in an accident with the need to consequently claim against the organisations' liability insurance and if that child is performing

outside of the regulations (illegally) would the liability still be covered by the insurance company?

## Section 5. Body of Persons Approval Licence

### Body of Persons Approval Licence Application Guidance

#### Background

The Children & Young Persons 1963 gives a local authority under Section 37(3)(b) Children (Performance and Activities) (England) Regulations 2014 the power to issue a licence to a ‘body of persons’ (i.e. a group of responsible adults – youth organisations, amateur dramatics, etc) to enable them to engage young people in performances without the need to apply for individual licences for each young person for each production.

The ‘Body of Persons Approval’ must then provide the Local Authority in advance on the appropriate forms:

- **Contract of Agreement**
- **Body of Persons Approval Application**
- Venue(s) / Date(s) / Time(s) of performances
- Name and address of the adults forming the ‘Body of Persons Approval’ i.e the persons responsible for putting on the performance/running the activity and **for ensuring the safety & wellbeing of the children taking part.**

Approval can be granted providing:

- Performances do not take place when the young people concerned should be at school.
- The child performers concerned receive no payment (except expenses)
- Performances are solely within the county of origin (Suffolk).
- The body has a clear, robust and well embedded policy for Safeguarding children / Licensed Chaperones/ Parents in place.
- The ‘Body of Persons’ ensure that the young people only appear on stage within the time restrictions currently in force.
- The Child Employment Officer agrees that the rehearsal/performance venue(s) are suitable for young people to perform.
- The ‘Body of Persons’ does not use the young persons in performances that may be dangerous.

### **Body of Persons Approval**

The holders of the licence must ensure that they keep adequate records of each young person's performance as required by Schedule 3 of the Children and Young Persons, The Children (Performances and Activities) (England) Regulations 2014 (see Appendix 1) and these should be submitted to the Child Employment office. Approval can only be granted for young people who perform solely for the holder(s) of the Body of Persons Approval Licence.

### **The Applicant**

The Chairperson or Secretary of each society normally apply for the Body of Persons Approval Licence and must complete the appropriate application forms available from the Suffolk County Council website. The application form asks for details of the society/company that is running the production together with details of the performance dates, times and venue. The licence holder should have details of the children taking part as per the Contract Agreement Declaration.

Suffolk County Council grants a 'Body of Persons Approval' for a specific production and reserves the right to withdraw the licence if it is felt the conditions are not being met.

### **Payment**

Young people must not receive payment for any performance, except for out of pocket expenses.

### **Education**

Young people who are part of a 'Body of Persons Approval' are not individually licensed therefore they are not allowed to take time off from their education for a rehearsal / performance **no** young person must perform or rehearse at a time when they should be in school.

### **Place of Performance**

All performances must be within the jurisdiction of Suffolk County Council.

### **Supervision**

All young people must be **safeguarded** with the 'body having clear, robust and well embedded policies for safeguarding children' in their care for the performance.

The organisation will ensure that an appropriate number of Local Authority approved Chaperones (see Reg 15) are engaged to care for the children employed, having specific regard to their sex and age, ensuring that **each child is supervised "at all times"**.

Suffolk County Council may inspect, without prior notice, places of entertainment within the county; most Education authorities have similar policies. Inspections are normally undertaken by county Officers, but it could include a Fire Officer or Health and Safety Inspector. The Officer would make themselves known to the Applicant and/or Chaperone on arrival and will have identification.

The Safeguarding Officer of the Body 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 unless with prior approval of the child's parent/s, or emergencies, and then under the supervision of a doctor, police officer or other suitable person.

## **Section 6 - Number of Performances**

A young person cannot take part in performances or rehearsals on more than six days consecutive days.

Please see Section 7 for permitted hours at place of performance or rehearsal and hours of performance including the earliest and latest times at place of performance or rehearsal.

### Employment

A child taking part in a performance or activity must not be employed on the day of that performance or the following day.

### Performances Abroad

A Local Authority does not have the power to authorise young people to perform in another country. Therefore, no young person is permitted to go abroad to perform or participate in activities abroad for profit unless a licence has been applied for and granted by a Justice of the Peace sitting at a Magistrates Court within the home area that the young person resides in.

### Information/Records to be retained

A record must be kept by the 'Body of Persons Approval' applicant on each young person's performance, for six months after the last performance of each production.

### Further Enquiries:

Child Employment Team  
Suffolk County Council  
Endeavour House  
8 Russell Road  
Ipswich  
IP1 2BX

Tel No: 01473 265195 Email: [childemployment@suffolk.gov.uk](mailto:childemployment@suffolk.gov.uk)

## **Section 7. Performance criteria**

The following performance criteria applies to all children who perform whether they are individually licensed, form a Body of Persons Approval or are exempt from needing a licence.

### **Number of days permitted to perform**

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

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

### **Permitted hours of performance**

With effect from 6<sup>th</sup> February 2015, there is now just one set of permitted hours for all performances and activities.

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

Age of Child	Earliest Time	Latest Time
Birth until 5 years	7am	10pm
5 to school leaving age (Yr11)	7am	11pm

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

Age of Child	Maximum number of hours in one day at place of performance or rehearsal	Maximum total number of hours of performance or rehearsal in one day	Maximum continuous number of hours of performance or rehearsal in one day	Breaks when performing or rehearsing
Birth until 5 years	5	2	0.5	15 minute minimum. If present for 4 hours or more must include a 45 minute break for a meal
5 to 9	8	3	2.5	If present for 4 hours or more must include a 45 minute break for a meal plus a 15 minute break if they reach 8 hours. After 8 hours, as above plus another 15 minute break
9 to school leaving age (Yr11)	9.5	5	2.5	As above

**Minimum breaks overnight**

A child must have an overnight break of a minimum duration of twelve hours between attendance at a place of performance or rehearsal.

## **Section 8. Information for chaperones included on the licence.**

The following shows the responsibilities and requirements of licensed chaperones. It looks daunting but comes down to practical common sense. The Children (Performances) Regulations 1968 only apply to actual performances and therefore the following information does not legally apply to rehearsals or groups/societies regular meetings. It suggested however that in terms of *good practice* the following requirements have a place within regular meetings of groups/societies.

The regulations require 1 chaperone to 12 children, however *good practice* suggests that it would seem sensible to have 2 chaperones to 12 children and for appropriate gender issues to be considered.

If a group of children does have more than one chaperone it is essential that each chaperone ensures that they have taken into consideration the following, irrespective of what others may have already done.

Please note once a Chaperone Licence has been issued to the applicant this Licence enables them to help with any Dance/Theatre Group they are involved with and that this is a UK recognised Licence.

A chaperone is acting in *loco parentis* and should exercise the care which a good parent might be reasonably expected to give that child.

### **Welfare responsibility**

- A chaperone's first priority is always, to the child, and must not take part in any activity that would prevent them from proper supervision and care of the children they are responsible for.
- A chaperone will have total charge of a child – unless the child is being chaperoned by his/her parent – whilst the child is at the theatre/performance location and is responsible for the child's care and control. If the child has completed his performance and is then handed into the care and control of his parents who are outside of the stage performance area the chaperone will no longer have responsibility for the child.

- A chaperone must ensure that the child's welfare overrides all other considerations. *1989 Children Act "The Welfare of the child is paramount"*.
- If a chaperone feels that a child is being over-worked or is unwell/not fit to continue then the chaperone has a duty to inform the producer that they are not prepared to allow the child to continue for that day (as a guide to times and hours to worked see Section 8 Appendix 1).

## **Punctuality**

- A chaperone should always arrive at the performance before the children to ensure that the children are not left without the appropriately recognised adult.

## **Practicalities**

Upon arrival a chaperone should familiarise themselves with basic health and safety issues.

- The sound of the fire alarm.
- The fire exits. Whilst familiarising themselves with this information the chaperone should ensure and continue to ensure that fire exits are clear and remain clear during their time at the location.
- The assembly location.
- The *first aider* and any procedure of the theatre/performance location. Floor areas that are dimly lit.
- Hazards that may cause people to trip.
- The condition and availability of toilets, washing, changing facilities and rest room, and to devise a practical solution if the number of facilities do not meet the regulatory requirements.
- Who the children are and the names of the specific children they are responsible for, as well as the parent/carer contact details for each child.
- When the children arrive at the theatre/performance location the chaperone must ensure that the child is registered as being on site.
- Schedule 3 of the Children & Young Persons Act 1963 requires certain records to be kept by the show's producer, it is the producers responsibility to ensure that the records are maintained.

However this task often falls to a Chaperone, and it is very important that this information is kept (please see Section 8 appendix 2 for further information).

## **Supervising the child/children**

A chaperone is expected to supervise children when the children are not required on stage.

This supervision includes:

- Ensuring that they have appropriate amounts, and type of refreshments;
- Ensuring that appropriate behaviour is maintained;
- Ensuring that the child/children do not leave the location without their parent(s) or nominated adult;
- Ensuring that the child/children are transported home appropriately.

## **Child protection**

A chaperone should have a general knowledge of their society's on *child protection/procedures* and an understanding of the practice issues involved in implementing the policy for their organisation.

## **Car/vehicle insurance**

Separate to the above regulations it is also felt that *good practice* must also include some recommendations regarding car/vehicle insurance as well as some pointers to travelling Good Practices please see Section 8 Appendix 3.

## **Additional information for Chaperones:**

## **ADVICE FOR GENDER NEUTRAL AREAS IF REQUIRED**

### **Toilets**

Children and Young People have the right to access the toilet that corresponds to their gender identity. Single gender toilets can cause issues for children and young people who do not identify with a gender binary such as boy / girl.

Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason (disability, trans, non-binary, faith) should be provided access to a single stall toilet, but no child or young person should be required to use such a toilet.

Ideally and where funding and space allows; Performance/Modelling Settings should provide a mixture of access to toilets that includes:

### **Single gender toilets**

Blocks of floor to ceiling toilets that can be used by all, with sanitary bins in each cubicle ('toilets for everyone')

### **Accessible single toilets.**

Performance/Production settings will want to discuss with trans pupils and students and if appropriate their families which toilet provision they would feel safest using. Performance/Production settings may be concerned about the responses of some parents and carers to trans pupils using the toilets or changing rooms that correspond to their gender identity and persons responsible for productions can reassure themselves and the wider community that this is supported by the Equality Act and not in any way a safeguarding issue. When a parent or carer raises a concern about the safety of their child when spending time in the company of a trans identified child/young person or staff member, support work should be aimed at answering the question:

'How can we make your child feel more safe?' rather than compromising the rights of the trans person.

### **Changing Rooms**

The use of changing rooms by children/young people should be assessed on a case by-case basis in discussion with the trans children/young people. The goal should be to maximise social integration and promote an equal opportunity to participate in any type of performance, ensuring the safety and comfort, and minimising stigmatisation of the child or young person in all cases, trans children/young people should have access to the changing room that corresponds to their gender identity.

Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area or with a separate time to change.

Any alternative arrangement should be provided in a way that protects the child or young person's ability to keep their trans status confidential.

Many trans gender children and young people can also feel uncomfortable when changing and it is important to ensure that these are safe environments for all by challenging underlying attitudes and bullying behaviours.

If you would like future advice please go to the website below

<https://www.gov.uk/guidance/advice-and-support-for-lgbt-people>

**Daily Record Sheet:** To be completed per daily performance usually completed by the Licensed Chaperone

**DAILY RECORD SHEET FOR CHAPERONE (Short Version)**

Child (Performances) Regulations 5

<b>Name of Production</b>		<b>Place of Performance / Rehearsal</b>	
<b>Production Company Name &amp; Contact Details</b>		<b>Date of Performance / Rehearsal</b>	
		<b>No. of Child Licences for this Performance</b>	
<b>Chaperone(s) Name &amp; / Tutor Name</b>		<b>All Child Licensing Authorities</b>	
<b>Chaperone(s) Licensing Authority &amp; / Tutor Licensing Authority</b>		<b>On-site First Aider Details</b>	

<b>CHILD'S NAME</b>	<b>LICENCE NUMBER</b>	<b>D.O.B</b>	<b>LA NAME</b>	<b>PLACE ARRIVAL TIME</b>	<b>PLACE DEPARTURE TIME</b>	<b>LENGTH OF EACH MEAL / REST BREAK</b>	<b>TOTAL WAITING HOURS PER DAY</b>	<b>TOTAL TUTORING HOURS PER DAY</b>

This Record Sheet relates to the information the Licence Holder, Chaperone or Tutor is required to keep by law for each child performing. It is a requirement under the Regulations that these records be kept and made available, together with each child's Licence, at every place of performance where a child is present for inspection by an Officer of the Local Authority in whose area the performance takes place. Upon completion of the production the Record Sheet(s) should be stored at the Licence Applicant's main company address for a period of not less than 6 months after the final performance date for which these Licences have been granted.

## Appendix 1. Record keeping

The following is a copy of the requirements of the regulations that apply to all categories of children's entertainment licensing, including both licence exemptions.

Some of the requirements are clearly not appropriate to voluntary organisations, however it is thought best to show the complete schedule of requirements, and to make **bold** the appropriate parts that apply to voluntary organisations.

Suffolk County Council appreciate that the performances by voluntary amateur dramatic societies are completely supported by unpaid voluntary helpers. Therefore, where there is a requirement to record times on, times off for performances, rest and meal intervals a total amount of time taken for these categories is acceptable to the Suffolk Child Employment Office. **The Daily Record Sheet is therefore recommended by Suffolk County Council in order to maintain accurate information of the Daily Performances - Times/Breaks/Chaperone Details in accordance with the Children (Performance and Activities)(England) Regulations 2014**

The records must be kept for a period of 6 months after the date of the last day of the performance, when they can be destroyed. The records must be available for inspection during a performance, and then held by the producer/secretary of the society.

Suffolk County Council **do not require** these records to be sent to the Child Employment Office but available for inspection within each 6 month period.

### **The Children (Performances and Activities) (England) Regulations 2014, Regulation 11, Schedule 3**

#### **Records to be kept by the holder of a licence.**

The holder of a licence shall keep the following records:

1. The licence.
2. The following particulars in respect of each day (or night) on which the child is present at the place of performance:
  - (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,
  - (g) the times of any night-work authorised by the local authority under Regulation 28 of the Children (Performances and Activities) (England) Regulations 2014.
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 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.
  5. The dates of the breaks in performances required under regulation 27 (1) of the Children (Performances and Activities) (England) Regulations 2014.
  6. The amount of all sums earned by the child by reason of taking part in 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.

## **Appendix 2. Motor vehicle insurance**

Suffolk County Council do not Licence Chaperones to transport children as part of their Chaperone duties.

The group you may ask for your assistance in transporting a child/children on behalf of the group (not as a Chaperone) in your own vehicle. We recommend you consider the following points before your journey:

- Passenger comfort and safety;
- Driver qualifications and competence;
- The type of journey;
- Potential traffic problems including breakdowns;
- Changes in weather conditions;
- Procedures for notification of late return;
- Contact details in case of emergencies.

Section 143 of the Road Traffic Act 1988 requires all drivers using a motor vehicle on the road to have a policy of insurance in force for that vehicle.

Suffolk County Council strongly recommends you have comprehensive level cover for your vehicle insurance.

You must have insurance cover that allows occasional business use. (There is normally no additional premium for this cover). This will cover your employment as a group member whether you are paid or acting as a volunteer. All insurance policies automatically cover passengers for injury (third party liability).

We also recommend the following practices.

- Ensure the appropriate car seats/booster seats are age appropriate and in compliance with the current legislation. Seat Belts are worn and whenever possible transport children in the rear seats only.
- Avoid travelling in a convoy as attention to road conditions can be diverted and those at the rear can be tempted to take risks in order to keep up with the convoy. Ensure all drivers know the route/destination before departure.
- If travelling a long-distance, plan a comfort break every two hours.
- Ensure your vehicle is roadworthy and has all the necessary legal documents, i.e. Vehicle Excise License, MOT. Ensure you have sufficient fuel, oil water and ensure your lights work.
- If you are using a mini-bus to transport a large number of children ensure you have at least one other adult with you, who should sit in the rear of the vehicle to supervise the children and allow the driver to concentrate on the road. Also that you are legally permitted to drive the vehicle.

## Section 9. Safeguarding Children and Recognising child abuse

### Introduction

All children have the right to be protected from harm.

Protecting Children is everybody's business – no matter if they are professional workers or everyday citizens.

This document has been specifically developed for adults working with children and young people in entertainment, and to simply create awareness of:

- The expectations placed on matron/chaperones;
- The responsibilities with the framework of child protection;
- Safe practices;
- Professional conduct.

It is also intended to provide guidance about recognising and referring suspected or actual child abuse, hoping that it will contribute towards the development of the individuals' child protection observation skills.

### The concept of significant harm

The Children Act 1989 introduced the concept of *significant harm* that justifies compulsory intervention in family life in the best interests of the child.

Significant harm is measured against the severity, extent, duration, frequency, extent of premeditation and the degree of threat and coercion involved. It also takes account of the effect on the child and the degree of difficulty in helping the child to overcome the adverse impact of the ill treatment.

The community and individuals as a whole has a responsibility for the protection of children and for the reporting of concerns about an individual child's welfare or safety.

The Children and Young Persons Act 1989 (C&YPA 89) lays down the health and safety needs of children and young people who perform. These needs are met through the regulation of the number of hours they can rehearse and perform as well as the activities they cannot undertake and the standard and conditions in which they may work.

Therefore,

the production companies and the particular chaperones have a responsibility to promote and safeguard the welfare of the children and young people in their care.

**The Role of the Chaperone** is in actual fact one of safeguarding in the broadest sense. The C&YPA 89 requires chaperones to not only ensure that the child or young person is not at risk of exploitation but also to ensure that the child or young person's welfare is paramount.

It is *good practice* for production companies and their staff to have a nominated person with child protection training as a point of reference for chaperones. Chaperones should be made aware of whom the nominated person is and that they are able to give support and help when making a referral to the relevant social services team in the area.

Dealing with suspected or actual child abuse is always stressful worrying and upsetting. Chaperones and others working with children and young people in entertainment need to know how to recognise the possible signs of abuse and the action they should take to help protect children and young people, as well as gaining personal support.

## **Safe practice for production company staff and chaperones**

All staff of a production company:

*Cast*

*Crew*

*Chaperones*

and particularly those involved in direct physical contact with young performers such as:

*Dressers*

*Makeup Artists*

must be careful of their conduct including:

*Use of Language*

*Touch*

*General Behaviour*

### **Physical contact**

All unnecessary physical contact must be avoided so that either young people or other adults cannot misinterpret innocent actions.

Wherever possible direct physical contact with children and young people for the purpose of costume dressing or make up should be carried out in the presence of other adults and must not involve intimate touching.

## **General behaviour**

Meetings with children and young people should not be undertaken alone, preferably another adult should be present, and held in a venue that is accessible to other people.

Special relationships and favouritism should be avoided; they are divisive and can be misinterpreted.

Any unusual comments or disturbing behaviour by either a child/young person about an adult member of the Production Company, a peer or family member must be reported to the nominated person with child protection responsibilities or a senior member of the production company. This person should where appropriate support the adult to refer their concerns to the child protection team of social services.

## **What is Child Abuse?**

### **Department of Health Definitions**

#### Physical Abuse

Physical Abuse may involve hitting, shaking, throwing, poisoning, and burning, scalding, drowning, suffocating or otherwise causing physical harm to a child. Munchausen Syndrome by Proxy or Factitious Illness by Proxy may also constitute a physical abuse whereby a parent or carer feigns the symptoms of or deliberately causes ill health in a child.

#### Emotional Abuse

Emotional Abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to frequently feel frightened or in danger, or the exploitation or corruption of children.

Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone.

## Sexual Abuse

Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities such as involving children in looking at pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

## Neglect

Neglect is the persistent failure to meet a child's basic physical and psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or a carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to the appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs.

## **Signs and symptoms**

### **What to look for**

Recognising abuse is not a precise science and even the professionals get it wrong at times. The following sections outline some of the possible indicators that a child/young person has or is being abused.

### **Physical abuse**

This area of abuse is perhaps the easiest to spot and tell apart, for example in injuries, which are not typical of the bumps and scrapes associated with children's activities.

The regular occurrence of unexplained injuries or the child who is frequently injured where there are conflicting explanations of how the injuries were sustained.

*Injuries that do not fit the explanation.*

Furtive, secretive behaviour and/or uncharacteristic aggression or withdrawn behaviour can also be an indicator as can changes such as a child who suddenly becomes uncoordinated, or finds it difficult to stay awake.

## **Emotional abuse and neglect**

The recognition of both emotional abuse and neglect is based on observations over time of the quality of relationships between parent/carer and the child. For example, inappropriate or inconsistent developmental expectations of the child (this may be seen in the context of unreal expectations or excessive demands on the child in relation to theatrical performance and professional success) and the level of care given to the child's basic needs.

## **Sexual abuse**

It is possible that there may be no recognisable physical signs of sexual abuse with the children/young people that are in your care, but the following indicators may be signs that a child is or has been sexually abused.

- Sexually provocative behaviour or knowledge that is incompatible with the child's age and understanding.
- Drawings and or written work which are sexually explicit (indirect disclosure).

It is important to recognise that children have neither the experience nor the understanding to be able to make up stories about sexual assault (direct disclosure).

## **What action to take – who to tell**

As a licensed chaperone you have a duty of care for the young people in your charge, therefore if you have concerns about the wellbeing of a child in your care you have a duty to report your concerns to the appropriate professionals/agencies.

## Referral Process

The following process will enable you to discuss your concerns and to refer the information in the most effective way.

- Where the Production Company has no nominated Child Protection person you must report your concerns to a senior member of the production company who should then support you in informing the Customer First Social Care Services.
- **Telephone details: 0808 800 4005 (NB this is a free phone telephone number)**
- **In an emergency you can telephone 999**

## What to tell Social Care Services

Social Care Services need to have the following information when you make the referral:

- The child's name;
- Address;
- Date of birth;
- Race;
- Religion;
- Language any known special needs;
- Parents/carers names and address;
- The reason for your concern;
- Any other factors within the family, which may be contributing to the problem.

If you do not have all of the above information, do not let this deter you from contacting Social Care Services.

If the Production Company fails to refer the matter onto Social Care Services, the individual chaperone has to make a judgement whether to refer the matter on themselves.

The judgement should be based on the chaperone/matron's knowledge of the circumstances as well as the reasons given by the company for failing to refer.

If there is a decision to refer by the individual Chaperone/Matron then this should be carried out in accordance with the guidance above –

## **BUT REMEMBER; THE WELFARE OF THE CHILD IS PARAMOUNT.**

### **Recording**

It is good practice to record in writing all of your concerns and actions, under Safeguarding requirements this must be done.

It is also important when notifying either the Production Company or a Social Care Services to follow up your communication in writing within 24 hours of your initial contact.

The maintenance of written notes kept of significant events or conversations will assist with any referral and subsequent investigation.

Such notes ensure that there is a documented account of the events and concerns, which have led to a referral being made.

They should be written in plain English, and should always show the difference between facts, opinion or judgement. Each set of notes must be dated including year, full name and designation of author.

Records such as this can be an essential source of evidence for enquiries and investigations and a validation of the provider's decision to refer.

### **Dealing with parents**

The well being of the child is the paramount consideration in all safeguarding situations.

In any conflict between the needs of the child and those of the parents/carers or staff working with the child, the needs of the child must be put first.

Production staff and chaperones in particular often experience anxiety about how to deal with parents where child abuse is suspected, this is a particularly sensitive issue for some chaperones who may know the family socially, or where in large productions, parents are also assisting with chaperone responsibilities.

It would be helpful for all parents to be issued with some written guidance that outlines a chaperone/matron's duties and the legal responsibility to uphold the welfare of the child as their paramount consideration. The guidance should also explain the chaperone's duty to refer child protection concerns to the appropriate agencies.

This useful information can be given to parents when the child/young person begins to attend rehearsals.

You are advised that if it becomes necessary to report your concerns about a particular child/young person, you should not raise these concerns with the parents. The issue, in the first instance, should be completely confidential between you and the production company's nominated person for Child Protection matters.

### **Referral checklist**

The following checklist will be helpful before making a referral:

- Concerns or incident identified and recorded;
- Contact the production companies nominated Child Protection person or if appropriate the Social Services department with details of your concern;
- Remember to have information to hand about the child including date of birth, address, names and address of parents or carers, race, religion, language, and any known special needs the child has;
- Note the time and date of your referral and ensure you are clear what if any action is requested of you by social services;
- Contact your associated support group if necessary.

Remember, the welfare principal, above all else.

### **Allegations against production staff/chaperones or their families**

If an allegation is made against a member of the production team, chaperone, cast or helper, full co-operation will be sought and expected from:

- Those in charge;
- The individual member of staff;
- The licensing authority.

In the case of serious allegations it will be necessary for the member of staff to be immediately suspended until the investigation is concluded.

If the allegation concerns a friend or family member of the Production Company including:

- Cast;
- Crew;
- A chaperone.

They will be advised of the nature of the allegation and their full co-operation sought and expected with any investigation.

It may be necessary to exclude from the theatre/rehearsal rooms the person against whom the allegation has been made or ensure that they do not have unsupervised contact with children.

After an investigation has been completed, the licensing authority, in consultation with the police and social services will then consider whether it is safe for the registration of that person to continue.

### **Personal Support Networks**

Child protection referrals and investigations are often distressing and professionally demanding situations. Consideration should be given to what support may be necessary for any production company staff involved in the process.

It is helpful for production company staff to have a nominated person with safeguarding training or experience as a point of contact and who can offer support and advice to chaperones or others in dealing with the emotional component of child protection related issues. Wherever possible the Production Company should establish who within their organisation would be able to fulfil this role, and then to inform staff and chaperones.

### **Child Protection Investigation**

Social Services, the Police and in some areas the NSPCC are responsible for investigating referrals to establish the facts and to clarify the grounds for concern. The initial investigation seeks to identify the sources and levels of risk and to agree what protective action may be necessary. If the investigation finds sufficient cause for concern, a child in need meeting will be called within fifteen working days.

## 9a. Model child protection policy

The *Anytown Operatic & Dramatic Society* recognises its duty of care under the Children and Young Persons Act 1963, the Child (Performances) Regulations 1968, the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 (in Scotland change to Protection of Children (Scotland) Act 2003) and The Children Acts 1989 and 2004.

The society recognizes that abuse can take many forms, whether it is physical abuse, emotional abuse, sexual abuse or neglect. The society is committed to practice which protects children from harm. All members of the society accept and recognize their responsibilities to develop awareness of the issues which cause children harm.

The society believes that:

- The welfare of the child is paramount;
- All children, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse;
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately;
- All members and employees of the society must be clear on how to respond appropriately.

The society will ensure that:

- All children will be treated equally and with respect and dignity;
- The welfare of each child will always be put first;
- A balanced relationship based on mutual trust will be built which empowers the children to share in the decision-making process;
- Enthusiastic and constructive feedback will be given rather than negative criticism;
- Bullying will not be accepted or condoned;
- All adult members of the society provide a positive role model for dealing with other people; action will be taken to stop any inappropriate verbal or physical behaviour;
- It will keep up-to-date with health and safety legislation;
- It will keep informed of changes in legislation and policies for the protection of children;
- It will undertake relevant development and training;

- It will hold a register of every child involved with the society and will retain a contact name and number close at hand in case of emergencies.

The society has safeguarding procedures which accompany this policy. This policy should also be read in conjunction with the society's Equal Opportunities Policy and Health & Safety Policy.

The society has a dedicated Safeguarding/ Child Protection Officer, who is in charge of ensuring that the safeguarding policy and procedures are adhered to.

That person's name is .....

and he/she can be contacted on .....

This policy will be regularly monitored by the Executive Committee of the society and will be subject to annual review.

Date: .....

Acknowledgement to the National Operatic and Dramatic Association (NODA) who have supplied this model.

## **Section 10. Inspections**

Child (Performance and Activities)(England)Regulations 2014 placed on Local Education Authorities (LAs) a duty to regulate Entertainment Licences for Children in Entertainment.

Therefore, this duty allows LAs to carry out inspections at the venue of the performance.

Inspections maybe carried out by Suffolk County Council Child Employment Officers.

It is vital that all organisations professional, semi professional and amateur/voluntary understand that:

Suffolk County Council's Child Employment Officers are committed to working in partnership with all organisations (Professional, Semi Professional and Amateur/Voluntary) to offer advice and support to ensure that children benefit from worthwhile experiences within the legal framework, whilst ensuring that the welfare of the child is paramount.

When an organisation is subject to an inspection by the Officers of the Education Attendance Service the inspection should be seen as a positive opportunity to work in partnership rather than a negative experience. The Officers are happy to be open with all members of an organisation.

The following pages contain the inspection criteria that are followed by the Officers. Some of the criteria will not necessarily apply to all organisations, and where there is a requirement for separate changing rooms, toilets etc for gender, adults, it is appreciated that many theatres have not been built to these requirements. It would be impossible for an organisation to meet the full requirement of the regulations; however the Officers would expect to see a workable practical solution in place as an alternative.

If the Officer had any concerns with an organisation these would be expressed to the producer/chairperson and talked through in a positive practical way.

A written report is forwarded to the producer/chairperson.



**CHILDREN & YOUNG PERSONS ACT 1933 AND 1963  
CHILDREN (PERFORMANCES) REGULATIONS 1968  
CHILDREN (PERFORMANCES and ACTIVITIES) (ENGLAND)  
REGULATIONS 2014**

**INSPECTION REPORT – CHILD EMPLOYMENT TEAM**

**Endeavour House, 8 Russell Road, Ipswich, IP1 2BX  
Tel: 01473-265195**

**1. General Information**

<b>DATE OF INSPECTION</b>	<b>TIME OF INSPECTION</b>
<b>INSPECTING OFFICER</b>	<b>NAME OF PRODUCTION</b>
<b>VENUE</b>	<b>VENUE ADDRESS</b>
<b>NAME OF PRODUCER / CONTACT</b>	<b>TELEPHONE NO. OF CONTACT</b>
<b>NAME OF PRODUCTION COMPANY</b>	<b>ADDITIONAL PERFORMANCE GROUPS</b>
<b>REHEARSAL DATES</b>	<b>RUN DATES</b>

**2. Performing Children's Information**

<b>NAME OF CHILD</b>	<b>LOCAL AUTHORITY</b>	<b>LICENCE NUMBER</b>	<b>YOUNG PERSON PRESENT</b>  <b>Y / N</b>	<b>LICENCE PRODUCED</b>  <b>Y / N</b>	<b>CHAPERONED (PARENT / LICENCED CHAPERONE)</b>  <b>P / LC</b>

**3. Chaperone's Information**

<b>NAME OF CHAPERONE OR PARENT</b>	<b>ID AVAILABLE</b> <b>Y / N</b>	<b>LICENCE NUMBER</b>	<b>LICENCING AUTHORITY OR PARENT (P)</b>

**4. Chaperone's Responsibilities**

Ratio of Chaperones to children	:	
Have there been any illnesses / injuries?	YES	NO
If yes, brief outline of how this was dealt with:		
Has the above illness / injury been entered in production company records?	YES	NO
What arrangements are in place for First Aid/ Medical Assistance?		
Are all Chaperones aware of Children's Individual Needs? (medical/otherwise)	YES	NO
Do the Chaperones have contact details for all parents?	YES	NO
Are the children supervised when not actually working?	YES	NO
Is this supervision satisfactory?	YES	NO
If the supervision is not satisfactory, how can it be improved?		

**5. Travel Arrangements**

How do the children travel to and from the venue?
If the above arrangements are not satisfactory, what changes should be made?

**6. Record Keeping**

<b>Name of the contact that holds and maintains records:</b>		
<b>Position within company:</b>		
<b>Are records adequate and well kept?</b>	<b>YES</b>	<b>NO</b>
<b>If not, what changes should be made?</b>		

**7. Venue Facilities**

<b>Are the children's dressing rooms separate from the adults?</b>	<b>YES</b>	<b>NO</b>
<b>Do the children over 5 yrs have a single sex dressing room?</b>	<b>YES</b>	<b>NO</b>
<b>Are the dressing rooms clean, adequately ventilated and generally satisfactory?</b>	<b>YES</b>	<b>NO</b>
<b>If not, what needs to be improved?</b>		
<b>Are there separate toilets for the children?</b>	<b>YES</b>	<b>NO</b>
<b>Are the toilets clean and satisfactory?</b>	<b>YES</b>	<b>NO</b>
<b>Are there separate washing / showering facilities for the children?</b>	<b>YES</b>	<b>NO</b>
<b>Are these facilities sufficient in number, clean and satisfactory?</b>	<b>YES</b>	<b>NO</b>
<b>Is there a rest room / "green room" available for the children?</b>	<b>YES</b>	<b>NO</b>
<b>If any of the above are unsatisfactory, what could be improved?</b>		
<b>Are fire exits clearly marked?</b>	<b>YES</b>	<b>NO</b>
<b>Are First Aid points clearly marked?</b>	<b>YES</b>	<b>NO</b>
<b>Have the children and Chaperones been made aware of the sound of the fire alarms or planned tests etc. and the escape routes?</b>	<b>YES</b>	<b>NO</b>

**8. Educational Provision**

Do the children in this production require a private tutor / teacher?	YES	NO
If yes, is the teacher approved by DfES ? Note their registration number:		
Does the teacher keep written records?	YES	NO
Do the records show a combined total of 3 hrs teaching per school day per child?	YES	NO
Have there been any problems encountered by the teacher?	YES	NO
If yes, give a brief outline and description of how they were resolved:		
Is the course of study set by the children's own Schools?	YES	NO
Does the teaching seem adequate?	YES	NO
Is the teaching accommodation satisfactory?	YES	NO
If not, how could this be resolved?		
How many children is the teacher tutoring?		

**9. Welfare of the Children**

Does the care and supervision of the children seem satisfactory?	YES	NO
Do the children seem generally happy and fit?	YES	NO
Do the children seem to be worked too hard?	YES	NO

10. **Recorded Performances (Film, TV, Commercials)**

Daily Record Sheets seen?  
Spare Copy of the Call sheet?

Has the Chaperone allowed extra time?	YES	NO
If yes, give details:		
Were the Licensing Authorities informed?	YES	NO
On location : Are the children protected from bad weather?	YES	NO
On location: Are the children wearing sufficient clothing for the weather conditions?	YES	NO

11. **Comments by Visiting Officer**

Has the visiting Officer raised any issues with the organisers?	YES	NO
If yes, list the issues, name the person the issues were raised with and a brief description of how they were resolved:		
General comments by visiting Officer:		

12. **Signature of Visiting Officer/s:**

NAME:	NAME:
APPOINTMENT:	APPOINTMENT
DATE:	DATE:

**Section 11. Contract /Application for a Body of Persons Licence** 

**CONTRACT OF AGREEMENT**

**EXEMPTION FROM CHILDREN’S LICENSING  
BODY OF PERSONS APPROVAL  
S.37(3)(b) Children & Young Persons Act 1963**

<b>Name of Organisation</b>	
<b>Address of Organisation (inc. postcode)</b>	
<b>Telephone No.</b>	
<b>Email Address</b>	
<b>Name and Address of person responsible for the production</b>	
<b>Position in Organisation</b>	

The above organisation has applied to **Suffolk County Council (the Local Authority)** to be approved as a Body of Persons under s.37 Children & Young Persons Act 1963. If approved, the organisation would be exempted from the need to apply for individual licences for children to perform within the Suffolk Council boundary.

If approved, the organisation agrees to adhere to the following conditions: -

1. No payment will be made to the child or anyone else, on behalf of the child, other than for defraying expenses.
2. No child will be absent from school to take part in a rehearsal/performance given under the Body of Persons approval.
3. The organisation will provide the Local Authority (LA) with details of each performance/rehearsal including the dates, times and location(s) at least 21 days in advance of the first performance unless the LA has agreed to a shorter notice period. Any changes to the performance schedule must be advised to the LA in advance. The organisation will also provide the name and contact details of the lead person responsible for each performance.

## Good practice for voluntary amateur theatrical organisations

4. The organisation agrees to comply with Regulation 11 and Regulations 15 to 29 of The Children (Performances and Activities) (England) Regulations 2014.
5. A risk assessment must be carried out in respect of each place of performance and a copy supplied at time of application.
6. A first aider is present at each place of performance.
7. The organisation will ensure that an appropriate number of Local Authority approved chaperones (see Reg.15) are engaged to care for the children employed, having specific regard to their sex and age, ensuring that each child is supervised at all times.
8. The organisation agrees to any authorised officer of the LA having unrestricted access whilst any dress or technical rehearsal or performance is taking place at any venue that the organisation uses for such purposes.
9. The organisation will provide a written Child Protection Policy to the LA.
10. The organisation will obtain a signed statement of fitness from the parent of each child.
11. The organisation will ensure that a list of emergency contact details in respect of each child including any medical issues or additional needs is available at the place of performance.
12. The organisation will ensure signing in and out sheets and daily record sheets are completed for each performance.

### CONTRACT OF AGREEMENT

**Name of Organisation:** \_\_\_\_\_

**Failure to comply with any of the above agreements or conditions is likely to result in the LA revoking the Body of Persons exemption with immediate effect.**

Failure to comply with Children & Young Persons Act 1963 s.37 and The Children (Performances and Activities) (England) Regulations 2014 is a criminal offence, which on conviction carries a maximum penalty of £1,000- or three-months imprisonment or both, for each offence.

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

Signed: \*\* \_\_\_\_\_

\*\*this is not an online application form, and a signature is required

Print Name: \_\_\_\_\_

Position in Organisation \_\_\_\_\_

Tel No. \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR A BODY OF PERSONS APPROVAL**  
**Taking place within the Suffolk County Council Boundary**  
**Children and Young Persons Act S.37(3)(b)**

DETAILS OF PERFORMANCE / EVENT				
<b>Name of Performance / Event / Competition etc.</b>				
<b>Performance Location Address (incl. Postcode):</b>				
<b>Performance Date(s)</b>				
<b>Performance Time(s): Start – Finish (of each performance)</b>				
<b>Rehearsal Location Address (incl. postcode):</b>				
<b>Rehearsal Date(s)</b>				
<b>Rehearsal Time(s) (Start – Finish)</b>				
DETAILS OF GROUP				
<b>Name of Group (eg. dance/theatre group)</b>				
<b>Address of Group</b>				
<b>Name of Lead Person</b>				
<b>Telephone No(s)</b>				
<b>Email Address</b>				
DETAILS OF CHILDREN – insert number of children				
	Male	Female	Other Identification*	No. of Chaperones
Age 0 – 4				

Good practice for voluntary amateur theatrical organisations

Age 5 – 9				
Age 9 – 16 (and not reached compulsory school leaving age)				
*Not all children and young people will identify as male and female				
<b>Number of children not living in Suffolk and local authorities which they reside</b>				
<b>Number of Children</b>		<b>Local Authority</b>		
<b>DETAILS OF LOCAL AUTHORITY APPROVED CHAPERONES: only provide Approved Licensed Chaperones undertaking chaperone duties for this event.</b>				
Chaperones must have licences with them on performance days in the event of an inspection by the Local Authority.				
Names of Authorised Chaperones present for event	Date Present	Chaperone Licence Number	Expiry date of Chaperone licence	Name of Authority which approved chaperone licence
<b>NAMES OF ADDITIONAL CHAPERONING ADULTS</b>				
Name of Additional chaperoning Adults (this can only be the child's own parent or *Teacher / Teaching Assistant (*from the school they would ordinarily attend) <b>this does not include Dance School Teachers</b>				State whether Parent or *Teacher / Teaching Assistant

Good practice for voluntary amateur theatrical organisations

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- I have obtained, and will have available at the event, a register of the children involved together with a list of emergency contact numbers for each child.
- I have checked chaperone approval licences prior to application being submitted and will ensure chaperone licences will be available at the event in case of a local authority inspection.
- I have obtained a signed statement of fitness from each child's parent and have informed the responsible organisation of children with any special/medical needs.
- I have read and will adhere to the requirements of the safeguarding instructions provided by the responsible organisation. All relevant safeguarding information has been communicated to Approved Licensed Chaperones / Named Parent Chaperones / Teacher(s) Chaperones / Teaching Assistant(s) Chaperones.

Signed: \*\* \_\_\_\_\_ Date: \_\_\_\_\_

**\*\* This is not an online application and requires a signature**

Print Name: \_\_\_\_\_

Position within organisation: \_\_\_\_\_

**NB - Both the Contract Agreement and Application should be completed and signed by the person responsible for the production and emailed to [childemployment@suffolk.gov.uk](mailto:childemployment@suffolk.gov.uk) along with the Production Risk Assessment / Group Safeguarding Policy for processing the Approval.**

**If there are any other Dance / Theatre Groups taking part in a production the completed Group Participation Form will also required to be scanned and emailed to [childemployment@suffolk.gov.uk](mailto:childemployment@suffolk.gov.uk) along with the application request.**

Please see Suffolk County Council website to find the Group Participation Form and further information.

## **Section 12. Good practice advice for a drama group/society**

### **Safeguarding Policy**

Nominated person responsible for the operating of the policy  
Advice on recognising child abuse  
Procedure of what to do when concerns are raised

### **Expected Behaviour Policy – Children, Parents and Adults**

Times of arrival and collection of children by parents  
Dress code  
Language  
Respect for other members both children and adults

### **Membership criteria**

Age ranges  
Children  
    Parental permission including a declaration of health & fitness  
    Contact telephone no's including mobile number

### **Meetings**

It is assumed that regular practice meetings for groups/societies takes place in a building, the following *good practice* advice is given to remind organisation to remain vigilant.

### **Safety**

Fire doors are not obstructed by chairs and furniture  
All fire doors are unlocked  
All lighting is switched on, particularly outside lighting wintertime  
Members are aware of the fire drill  
Is there a first aider available?

It should be noted that it is the intention that this document remains live and therefore further ideas and issues of *good practice* are welcome so that it remains appropriate and contemporary

## **Accidents and Emergencies**

What to do in the event of an accident

How to call an emergency service

When to notify the parents/carers and what and how to tell the parents

What has happened?

Volunteer who is involved in supporting the child Hospital address (if appropriate?)

Notifying a committee member

Accidents/incidents report

## **Register**

A register is kept showing everybody (adults, children and helpers) having arrived and signed out when they leave

## **Membership Contact Details**

Contact details of all members are brought to each meeting in case of the need, through illness or accident, to contact the next of kin. It is important to keep this information confidential.

## **Supervision and Welfare of Child Members**

A written code of practice illustrating:

How to talk to children, physical contact

Suggested ways of keeping children involved

Adequate liquid refreshments (to prevent dehydration)

## **Rehearsals and Performances**

### **Safety**

Fire doors are not obstructed by chairs and furniture

All fire doors are unlocked

All lighting is switched on, particularly outside lighting winter time

Members are aware of the fire drill

Is there a first aider available?



It should be noted that it is the intention that this document remains live and therefore further ideas and issues of *good practice* are welcome so that it remains appropriate and contemporary.

For further information please contact:

**By post:**

Child Employment & Licensing Team  
Endeavour House  
8 Russell Road  
Ipswich  
IP1 2BX

**By telephone:**

01473 265195

**Website:** [www.suffolk.gov.uk/childemployment](http://www.suffolk.gov.uk/childemployment)

**Email:**

[childemployment@suffolk.gov.uk](mailto:childemployment@suffolk.gov.uk)

**Revised January 2025**