EDITORIAL COMPLIANCE – POLICY AND GUIDANCE FOR ALL SKY ENTERTAINMENT CONTENT

https://corporate.sky.uk/about-sky/other-information/commissioning-and-ideas-submission/production

SKY ENTERTAINMENT COMMISSIONED PROGRAMMES TO BE DELIVERED HD 5.1 DOLBY E

Charlotte Gaeta
Senior Editorial Compliance Manager
19/03/21
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2: OUT OF HOURS - CONTACT LIST

THE HEAD OF COMPLIANCE/SENIOR MANAGER AND ONE OF THE MANAGERS ARE ALWAYS ON CALL ACROSS THE WEEKEND AND BANK HOLIDAYS.

MEMBERS OF THE COMMISSIONING TEAM ARE ALSO AVAILABLE OUT OF HOURS FOR ANY PRODUCTION THEY ARE WORKING ON.

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You are contractually obliged to observe and comply with all applicable laws and statutes and all rules and regulations and requirements of all governmental bodies at all times throughout production.

Sky is fully aware of its obligations under the Bribery Act 2010 (the “Act”) and it expects producers to comply with the terms of the Act. If Sky discovers or suspects that any producers have committed bribery Sky will be compelled to take appropriate action.

A link to Sky’s Group Anti-Bribery and Corruption Policy is provided below for reference.

https://assets.contentstack.io/v3/assets/bltdc2476c7b6b194dd/blt3e788bdef5d12ea9/5a2132d2e796d29d7be97220/download?disposition=inline

All programme(s) delivered to Sky for transmission on Sky platforms should adhere to Ofcom and all other broadcasting guidelines. It is also the responsibility of the producer to ensure that the codes and guidance notes issued by Ofcom and all legal and compliance issues are checked off thoroughly with any relevant paperwork and research notes attached to the final editorial documents.

The Ofcom Broadcasting Code can be found on the Ofcom website:

Before production begins you will be assigned a Compliance Contact and they will attend the Start Up Meeting.

Any editorial or compliance changes required prior to transmission should be undertaken at the expense of the production company and in good time.

4: FLASHING IMAGES

As a broadcaster Sky must take precautions to maintain a low level of risk to viewers who have photosensitive epilepsy (PSE). Where it is not reasonably practicable to follow the Ofcom guidance, for example during ‘live’ performances and where broadcasters can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers must be given an adequate verbal and also, if appropriate, visual warning at the start of the programme and/or at the beginning of the relevant part of a programme. If a ‘live’ programme is subsequently re-broadcast appropriate edits must be made to remove and/or limit any flashing image-related issues prior to retransmission.

As part of the contractual obligations of all production companies Sky expects an appropriate flashing images/Harding test to be carried out on all master material prior to delivery. A copy of the test report confirming that the programme has passed a Harding test should be delivered with the master. A further test will be carried out as part of the QC process at Sky and the production company will be alerted if any outstanding issues are found regarding flashing images. If flashing images are discovered it is the production company’s responsibility to rectify these issues. Sky’s PSE obligation and testing details are available in the technical delivery standards link below the production pack:


The relevant section is from 2.9.1 onwards.
**5: SURREPTITIOUS/SECRET FILMING AND/OR AUDIO RECORDING**

Surreptitious or secret filming **can only be undertaken** after discussion with your Commissioning Editor and Compliance Contact and after consideration has been given to the circumstances and editorial necessity within the programme for such filming. **Surreptitious/Secret Filming forms must** also have been filled in by Production and signed off by the Head of Compliance, Legal and the relevant Channel Head. The Production Company must also be aware of the Ofcom codes and guidelines under sections 8.12 - 8.15 of the Broadcasting Code. Please speak to your production and compliance contacts at the start up meeting or as soon as possible if you are considering carrying out any surreptitious or secret filming. This includes any surreptitious filming for Entertainment purposes regardless of whether you intend to seek consent after filming. There is a copy of the **Surreptitious/Secret Filming forms** in the Appendix section of this pack; part a) must be filled in and signed off prior to filming and part b) must be filled in and signed off post filming.

**6: CHAT SHOWS**

- Producers must secure two forms of identity from all guests taking part - one of which must have their name and address on it - e.g. a utility bill, passport etc. Third party verification of guests’ identity and stories should be sought where possible.
- Expenses for guests will vary depending on individual circumstances. Producers should in the first instance offer to pay reasonable travelling expenses and offer payment, when requested, for loss of earnings. Payments for loss of earnings are acceptable if claims are genuine and the producer feels the guest adds value to the show. Such payment should be limited to £100 although it is recognised that for certain guests, for example experts or celebrities, this sum may be greater.
- Claims for loss of earnings for appearances on the show must be sent to the participant’s home address.
- No payments of any kind should be paid to any third party, except to celebrities’ agents or experts with agents.
- No payments of any kind should be made in cash on the day of recording.
- Verifiable addresses and contact telephone numbers should be sought for all participants in advance. Where addresses and numbers are not provided, or numbers cannot be obtained, producers should use their common sense in determining what further checks should be carried out and whether the guest should be used. Guests who can only be contacted by mobile phone and cannot or will not provide a proper proof of address should not be booked for a show.
- Guests must provide details of any other talk shows on which they have appeared at any time. The consent form must contain a declaration that the guest has either (a) never appeared on another talk show, or (b) has appeared on another talk show, providing details of the programme title, the capacity in which the guest appeared and the year of the appearance.
- All contributor details including biogs, personal details etc must be kept on an encrypted and password-protected document/file and only circulated to specific staff who require this information, for the purposes of data protection compliance. These files should be deleted once the programme/series has had its first TX.

The above points are not necessarily relevant to celebrity guests.

If a programme is to be broadcast during a period of election/referendum and will deal with issues connected to these elections, then additional rules regarding fairness and impartiality come into force. Details of the rules can be found on the Ofcom website: [https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-six-elections-referendums](https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-six-elections-referendums)

Although we can broadcast appearances by candidates in non-political programmes that were planned or scheduled before the election/referendum period began, no new appearances should be arranged/broadcast during the period. [NB: an election can be a general election, by-election, local government election, mayoral election and regional/national election (e.g.: Scottish, London Assembly etc). A referendum includes a UK-wide, national or regional referendum but **NOT** a local referendum. The definition of the ‘election period’ varies; however, a general election period begins with the dissolution of Parliament. Please liaise with your Compliance Contact for any further clarification regarding definitions and periods of election and referendums.]
For example, an appearance by a candidate in a show talking about a subject matter not connected with politics would be fine. However, if the candidate talked about his or her politics/constituency policies, we would have to give equal prominence to the views of other candidates standing in the same area/region. This is especially relevant to live programming such as magazine formats and chat shows.

Please liaise with your Compliance Contact for advice on booking guests around election/referendum periods. No payment may be made to convicted or confessed criminals for contribution to a programme (NB this would include celebrities).

7: LIVE PROGRAMMING

DUTY OF CARE AND CONTESTANT PROVISIONS:
- Consent forms are needed for all contributors/contestants; including parental consents for all under 18s.
- Any under 18s not accompanied by a parent or guardian must be accompanied by a responsible adult who has consent from the parents to act as loco parentis for that child.
- Health assessments/questionnaires and sign offs should be obtained for all contributors/contestants.
- On competition-style programming featuring contributors/contestants Producers should ensure that biogs for all performers are sent through to the Psychologist working on the show so they can assess any specific vulnerabilities and highlight them to Production and Compliance. The Psychologist should be on hand to talk to all contributors and offer their support throughout the production process and live shows.
  - All contributor details, including biogs, personal details etc must be kept on an encrypted and password-protected document/file and only circulated to specific staff who require this information, for the purposes of data protection compliance. These files should be deleted once the programme/series has had its first TX.

SPECIFIC PROVISIONS FOR CONTESTANTS UNDER THE AGE OF 18:
  - Child performance licences will need to be obtained for all of the performances involving 16 year olds and under through their local LEA. LEA licensing applies to children of statutory school age until the end of the school year they have turned 16 yrs.
  - Separate changing area and toilet facilities should be present for under 11s.
  - Professional Chaperones should be provided to help with child welfare.
  - Rest breaks and meal breaks must be adhered to and documented, for all children involved during the auditions and filming processes. (Please see the Good Practice section provided later regarding these).

PRIVACY DURING FILMING:
- Please make sure crews are careful about filming around areas where contestants could be changing, especially under 18s.
- If a contestant is upset be guided by the Psychologist as to whether to stop filming.

FAIRNESS:
- Equal treatment, time on camera and prominence should be given to each contributor/contestant.
LANGUAGE ON AIR:

- Sky’s family viewing policy applies to ALL pre-watershed programmes and, as such, there should be no swearing at all in LIVE programming.

PLEASE ENSURE THAT ALL CONTRIBUTORS ARE FULLY BRIEFED ON THIS ISSUE:

- Avoid any religious words – ‘Jesus’, ‘Jesus Christ’ etc. should not be used as exclamations – avoid any other religious words. Also try to avoid ‘Oh My God’ – as repetition of this can cause offence.
- Presenters and Judges should not use any bad language, not even mild swearwords. Ofcom language research in 2016 provides guidance on viewers’ feedback on what constitutes “bad”, “mild”, “strong” and “very offensive” language. Please refer language queries to your Compliance Contact for approval.
- If a contributor/contestant uses strong language, GIVEN IT’S A LIVE SHOW, the presenter should apologise to viewers and explain that this type of language is not acceptable and should not be used on this programme.
- If very strong bad language is used e.g. “Fuck” or its alternatives an immediate apology should be made. It may be appropriate at the end of the live show to reiterate the apology to viewers. Otherwise it will dealt with in edit.

LIVE TV PRESENTERS / JUDGES / CONTESTANTS:

- Ensure that all presenters, judges and contestants are briefed and understand; THIS IS A LIVE SHOW – THERE IS NO TIME DELAY
- There should be no swearing at all – daft examples of this are people spelling swear words as they don’t think this will count as swearing – it does! This includes acronyms such as “MiLF, GiLF etc” as they are known to refer to the F-word.
- They cannot wear branded clothes or discuss any brands (unless it is in context and not promotional); if a contributor is wearing clothing with a very small logo on it and it’s small and not overly visual then this will usually be ok. The key thing is that the branding or logo is NOT prominent.
- All contributors should understand the following details regarding opinions, defamation, contempt of court and commercial issues.

OPINIONS & LEGALS:

- Judges and Contestants are allowed their own opinion on a subject/performance that is being discussed.
- Opinions given about other people and their performances, both celebrity and non-celebrity, should be given as a fair critique, rather than being critical and derogatory, it should not become personal. We cannot be unfair to people – whoever they are.
- An audience briefing should be given to ensure that none of the contributors/contestants are booed and that the audience is welcoming and enthusiastic.
- CONTEMPT OF COURT – Unless a person is convicted of a crime – we should not suggest that anyone is a criminal or involved in criminal activity.
DEFAMATION - a factual statement which is:
  o untrue; and
  o harms an individual's or an organisation's reputation

Do not allow any gossip or anything you are not sure is true to be included – if you think it could be dodgy – it is probably best not to include it.

- Do not talk about anyone under the age of 16 – unless they are in the public arena and in the newspapers.

COMMERCIAL REFERENCES:
- No branded clothes for presenters, guests or visible members of the audience.
- When discussing DVDs, books etc. a brief verbal and/or visual mention is ok, but more than this could result in undue prominence issues.
- Mentions of other products or services must only be made if it is editorially justified. Please discuss with Compliance beforehand.
- The presenters should make no promotional mentions of any product or service.

MAIN POINTS DURING LIVE SHOWS:
- NO SWEARING AT ALL – not even mild swear words
- BE FAIR – give equal time to each contestant/act.
- THE AUDIENCE SHOULD BE WELCOMING AND ENTHUSIASTIC – an audience briefing should be given to ensure this is the case.
- ENSURE JUDGES’ CRITIQUES ARE FAIR – and do not become personal.
- IF A CONTESTANT OR JUDGE SWEARS – the presenter should apologise to the viewers immediately.
- DO NOT GOSSIP/BE UNFAIR - about other contestants or people involved in the show, remember this could cause Defamation and Privacy issues.
- DO NOT PROMOTE PRODUCTS OR BRAND NAMES – brand names and logos should be kept to a minimum at all times – if possible use generic wording; e.g. mobile phone rather than Nokia, coffee rather than Nescafe.
- IF IN DOUBT ABOUT ANYTHING – just ask, the Compliance Team are here to help!

GOOD PRACTICE:

The following section summarises good practice when looking after contributors in general but most specifically those under 18.

At all times the best interests of the contributor/child, physically, emotionally and psychologically must take precedence over all other issues.

General Points
- Having a written policy on contributor and child welfare and safeguarding is always advisable. This may potentially include the use of experts. If it is decided to involve an expert in the production their guidance
should take precedence over the programme.

- Working with experts, e.g. clinical psychologist, child psychologist.
- Abiding by the written policy which focuses specifically on the care and protection of children who take part in the programme which can be usefully based on NSPCC guidelines.
- Developing written guidelines specifically on practices and procedures for working with children and ensuring all staff are trained on those guidelines.
- Having a written policy on Duty of Care for participants which operates before, during and after the filming, if appropriate for the programme.
- Ensuring that a parent is present whenever there is contact with the child, even during phone interviews, or making sure that two members of staff are present in the absence of a parent.
- Where relevant, having medical staff, including specialist nurses and counsellors, present during programme making and on call at other relevant times.
- Having a named member of staff who is responsible for child protection policy and implementation and agreeing this with Compliance.
- Staff who are working directly with children need to be DBS checked.
  - Staff working with children should have access to the production company’s child protection policy and guidelines as well as the broadcaster’s child protection policy and guidelines for working with children.

**Before filming**

- Compiling detailed notes about the contributor/child’s background including medical history and relevant mental health issues.
- All contributor details including biogs, personal details etc must be kept on an encrypted and password-protected document/file and only circulated to specific staff who require this information, for the purposes of data protection compliance. These files should be deleted once the programme/series has had its first TX.
- Gaining awareness of parental custodial issues. It is important to be aware of the identity of the custodial guardian of the child so that appropriate consent can be given.
- Where appropriate; require the participants to obtain sign-off from their General Practitioners (GPs) to gain appropriate knowledge of specific care needs in order to protect the participants.
- Ensuring that a number of people in the Production team are aware of any issues surrounding the contributor/child, rather than just one or two. Extra care will need to be taken in relation to confidentiality issues in these circumstances.
- Using the NSPCC cards provided by the Chaperone to participants and their parents which explain what to do if a participant or parent is unhappy about anything.
- Making the participant aware of possible negative repercussions of appearing on the programme, before seeking consent.
- Ensuring that a parent is present, even during phone interviews, or making sure that two members of staff are present in the absence of a parent.
Asking the child for his/her consent, and not just asking the parent.
Checking, immediately before filming, that the child still wants to take part.
Ensuring continuing consent and on-camera consent, particularly for younger participants throughout the process.
Familiarising children with unfamiliar environments, e.g. tour of studio.
Children to be accompanied by people who they know, such as a parent or a teacher.
Where possible, giving participants the chance to meet with former participants in order to gain a better understanding.

During filming
Making the children look good on the show and boosting their confidence, e.g. through choice of questions in quiz shows.
Managing a studio audience, e.g. not allowing booing or calling out so that the child is not intimidated or distressed by the audience.
If a child asks for filming to stop or becomes distressed, then filming will stop; this event will not be broadcast.

After filming
Any material that portrays a child negatively should be discussed thoroughly with Sky Commissioning, Compliance, Production and the Psychologist working on the show to assess whether there is editorial justification for retaining it and what possible impact that may have on the child, or whether the material should be edited out.
Contributors should never be given editorial control over what material is used within a programme, however if there is specific material that a contributor does not want aired careful consideration should be given to this request and discussed with Sky as to whether the material should remain or be edited out.
Keeping in contact with participants after the programmes, e.g. with regular follow up calls from an expert, such as a Psychologist.
• Organising appropriate counselling for participants afterwards if needs be, e.g. by tailor making support by liaising with the participant’s GP and organising delivery of post-programme activities that might be helpful on request of participants.
• Ensuring that programmes featuring teenagers that are not designed for teenage viewers are not shown during the school holidays in order to prevent possible negative repercussions, such as the increased chance that the participant’s peer group will see them on television which could lead to teasing or bullying.
Taking into account the impact of a show on the viewers, e.g. taking care not to show children acting in a way that might encourage dangerous or inappropriate, copycat behaviour to other children viewing the programme.
AREAS FOR CONSIDERATION:

The following section, in combination with the preceding section, Good Practice, outlines some areas for consideration when drawing up guidance for working with children.

- Younger participants, who may be having doubts about taking part, may do so because they wish to please the celebrity presenter.
- In some instances, reliance on some production company’s own codes of practice may mean certain information is not always formally documented although it may need to re-called at a later date, say in the event of a complaint. We recommended that it is best practice to retain documentary evidence or keep a log to record all conversations or incidents that occur.
- If a programme involves children who are present as standbys, consideration should be given to their experiences as they do not get a chance to participate. In some cases they may be given a formal role as a supporter of a person, group or team.
- There should be separate guidelines for 16-17 year olds, particularly if these people are married, working or living independently from their parents or carers.
- There is sometimes a lack of informed consent forms which fully explain the possible repercussions of taking part, which can result in contributor issues post-transmission. Please ensure you brief your contributors thoroughly at the beginning of production and that any briefing documents given to them clearly outline what the programme is about, its tone, what channel it will be shown on and the repeat nature of Sky content. Their involvement in the programme and any possible repercussions they may experience as a result of being involved (e.g. family and neighbours’ comments etc) must be fully explained.

**DEFINITION:** Product placement is the inclusion in a programme of a product, service or trademark for a commercial purpose in return for payment. The Ofcom Code Rules also apply to the placement of products for non-commercial purposes.

Product placement is permitted in certain types of programme genres: namely, series made for television, films (including single dramas and documentaries made for TV), light entertainment programming and sports programming. Placement in certain programme genres is prohibited: news, current affairs, children’s programmes, religious programming and consumer advice programmes.

Placement of certain products is prohibited: cigarettes and tobacco products (including electronic or smokeless cigarettes), all medicinal products, alcohol, gambling, HFSS (high in fat, salt or sugar) food and drink, infant formula and follow-on formula and any product not allowed to advertise on television.

Programmes containing product placement must feature a universal neutral P logo at the beginning and end of the programme, as well as at the beginning of programme parts (after commercial breaks). The production company should supply the TX master with the P logo embedded for broadcast and on-demand content. The logo must be shown at the start of the programme (i.e. within the first 5 seconds of the show so it appears BEFORE any shot of the placed product(s)), the start of returning parts (e.g. on the incoming part bumper) and on the final endboard along with the production company logo and copyright credits.

The P logo should be static on screen for a duration of no less than three (3) seconds (75 frames). The P logos can be downloaded from the Ofcom website at: [http://www.ofcom.org.uk/static/pp/logo1.tif](http://www.ofcom.org.uk/static/pp/logo1.tif) and [http://www.ofcom.org.uk/static/pp/logo2.tif](http://www.ofcom.org.uk/static/pp/logo2.tif). Logo One (1) has a white outline intended for use over predominantly dark backgrounds and Logo Two (2) has a black surround intended for use over predominantly light backgrounds. The logo should be clearly visible throughout its duration on screen and placed in the bottom left corner within the 4:3 safe area (but not conflicting with other on-screen graphics, logos or text).

The .tif files on the Ofcom website contain broadcast-quality, oversized alpha elements of the P logo which should be re-sized to meet the following line height specifications:

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<tr>
<th>Outer P</th>
<th>Inner P</th>
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<tr>
<td>Line Height</td>
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<td>Standard Definition:</td>
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<td>36 lines</td>
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<td>68 lines</td>
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<td>Transparency:</td>
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When calculating the line height, the measurement should be taken from the top to the bottom of the ‘P’ and only non-antialiased pixels should be counted. For more information on line height, go to: [https://www.asa.org.uk/resource/on-screen-text-and-subtitling-in-tv-ads.html](https://www.asa.org.uk/resource/on-screen-text-and-subtitling-in-tv-ads.html)

**Full technical information and specifications can be found on the Ofcom website in the Guidance Notes for Section Nine.**
SKY’S POLICY ON PRODUCT PLACEMENT (PP)

1. All product placement deals must be agreed in advance with, concluded through, or approved by, Sky. This includes, without limitation, any deals for (1) products placed during filming; (2) products placed during post-production or at a later date e.g. ‘virtual’ placement; and (3) products which third parties wish to place in the programme e.g. foreign broadcaster licensees as ‘virtual’ placement.

2. Neither Production Companies nor their representatives shall approach or discuss product placement with third parties without first discussing it with Sky.

3. In the first instance, Sky Media will work with our Independent Production partners to source and co-ordinate agreements between potential brand partners for product placement opportunities. Please contact Jason Hughes (Head of Creative Solutions jason.hughes@sky.uk) or Katie West (Branded Content Controller katie.west@sky.uk) on possible brand partnerships at the earliest possible opportunity once a full production budget has been approved and your show has been commissioned.

4. Sky and the Production Company shall negotiate in good faith, as part of the production deal negotiations, how revenues (if any) derived from any current or virtual (new) product placement are to be applied.

5. SHOWS WITH PRODUCT PLACEMENT: These must have a universal P logo embedded at the beginning and end of the programmes as well as at the beginning of programme parts (after commercial breaks). These must be supplied on the final TX master. Please see the preceding page for further details including technical criteria for the P logo. Please complete the Product Placement Declaration Form which can be found later in this section. The Declaration should be completed by an authorised signatory of the production company e.g. Company Director or equivalent. The completed document should accompany the PasC form when submitted to Sky for Sky plc records and compliance with the Ofcom Broadcasting Code. The form should also be uploaded to the ‘Materials’ section of Silvermouse when this is completed.

6. The final offline version of the content featuring the product placement shall be checked for editorial integrity and compliance with Sky’s interpretation of the Ofcom Broadcasting Code. Sky’s editorial decision as the broadcaster shall be final.

7. SHOWS WITHOUT PRODUCT PLACEMENT: For shows and series that do NOT contain product placement, the Production Company is required to provide written confirmation to Sky that the show/series does not have any product placement arrangements. This is to ensure Sky complies with Ofcom’s signalling requirements. Please complete the Declaration Form in this section and submit it as detailed in paragraph 5 above.

8. SHOWS WITH PROP PLACEMENT: Prop placement is defined as the supply of production props free of charge (or at reduced cost) which does not involve payment to the broadcaster, programme maker or Production Company. The prop should not represent a “significant value” to any of these parties. To qualify as having “significant value” the value of the prop is more than a trivial “residual value”. “Residual value” is greater than the cost saving made as a result of acquiring the prop for use in the programme. For example, disposable products such as toiletries or food might be retained by the producer but their residual value would be considered trivial. A high value prop kept by a producer might have a residual value greater than trivial and be considered of “significant value”, e.g. household electronic consumer goods. Items of “significant value” should normally be returned after the production. It is important to note that the Ofcom Broadcasting Code states that “prop placement involving the supply of products/services that are of significant value will be treated as product placement” and be subject to Ofcom’s Code rules on product placement (only if the prop is not returned). With prop placement broadcasters are not able to guarantee references in programming. Doing this would be taken very seriously by Ofcom as it would amount to surreptitious advertising.

9. Sky reserves the right to request substantiation from the Production Company to confirm what products have been ‘prop placed’ within the commission, based on Ofcom’s definition of prop placement.
**PRODUCT PLACEMENT DECLARATION FORM**

- PLEASE COMPLETE ALL SECTIONS, WHERE APPLICABLE, GIVING DETAILS OF **ALL COMMERCIAL ARRANGEMENTS** FOR THE COMMISSION.

- **WHERE NO PRODUCT PLACEMENT ARRANGEMENT EXISTS IN THE COMMISSION, YOU SHOULD FILL IN THE APPROPRIATE SECTIONS OF THE FORM.**

- **THE COMPLETED DOCUMENT SHOULD ACCOMPANY THE PasC FORM WHEN SUBMITTED TO SKY FOR SKY PLC RECORDS AND COMPLIANCE WITH THE OFCOM BROADCASTING CODE. IT WILL NEED TO BE UPLOADED TO THE ‘MATERIALS’ SECTION OF SILVERMOUSE WHEN THIS IS COMPLETED.**

<table>
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<th>1. PRODUCTION COMPANY</th>
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<td>Name and Address</td>
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<th>2. SKY COMMISSIONING EDITOR</th>
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<th>4. SYNOPSIS</th>
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<td>Please include details of prizes/prize funds proposed and any programme sponsor</td>
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<th>5. LIST OF ALL PRODUCTS PLACED (PP) *</th>
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<tr>
<td>Mark ‘none’ if no products have been placed in the commission and please proceed to point 8. If at any point product placement opportunities arise, you must notify Sky’s Head of Creative Solutions</td>
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<td>* See definition on the first page of relevant section of the online Production Pack.</td>
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<tr>
<td>(SEE PAGE 1 OF PP SECTION FOR INSTRUCTIONS ON PLACEMENT). Please list <strong>time codes</strong> of P signal for each episode.</td>
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15
DECLARATION

Please delete either section 7 or 8 as appropriate:

7. I confirm that the above is a true statement and I have the power and authority to make such a statement of the product placement and product placement agreements within this programme/series.

8. I confirm that no placements other than props are featured within the commission, as defined by the Ofcom Broadcasting Code.

APPROVAL

If section 7 applies, please complete section 9 inserting the name of the Sky representative and the date on which product placement was agreed.

9. The product placement was agreed with [ ] of Sky on [ ].

Signed by:

Authorised Signatory - For and on behalf of Production Company

Print name: ____________________________

Date: ____________________________

Position in Company: ____________________________

Production Company Name: ____________________________

Programme/Series Title: ____________________________
ADULT AND UNDER 18S CONTRIBUTOR POLICY & GUIDANCE FOR SKY CONTENT

CONTRIBUTORS PARTICIPATING IN PROGRAMMES

Charlotte Gaeta
Senior Editorial Compliance Manager
19/03/21
COMPLIANCE - CONTRIBUTORS PARTICIPATING IN SKY CONTENT

A: Safeguarding the Welfare of Adults, Young People and Children

The interests and safety of contributors to Sky content, both paid and unpaid, must take priority over any editorial requirement; whether they are adults, young people or children. Vulnerable adults, young people and children are especially vulnerable and extra measures will be required to ensure their care whilst preparing for, taking part in and during and after the transmission of any Sky content they are involved in. There are many aspects to safeguarding the welfare of children and young people, ranging from child protection to keeping their personal details safe. They apply whether we are making a film with a child or receiving user-generated content from young people. These guidance notes give advice to help to ensure duty of care for our contributors and actors.


B: Child Protection Policy


We expect that all independent production companies commissioned to make programmes for Sky that intend working with under eighteens (under 18s) to have their own Child Protection Policy in line with Sky’s policy.

2. Each Sky division has a Child Protection Representative who has special responsibility for implementing the policy in their area. If you need advice or support regarding child protection please contact your Sky production and compliance contacts who can put you in touch with the relevant person.

It is also advisable that independent production companies have a named manager or member of production responsible for child protection referrals and advice.

For all productions with specific under 18s involvement a specific named member of production should be the main point of contact and be responsible for all child welfare elements.

All contributor details including biogs, personal details etc must be kept on an encrypted and password-protected document/file and only circulated to specific staff who require this information, for the purposes of data protection compliance. These files should be deleted once the programme/series has had its first TX.

C: Self-Certification and DBS (Disclosure and Barring Service in England, Wales & Disclosure Scotland) Checks

Depending on the nature of the production and the likelihood of working with children, there may be a need for staff to have DBS checks before being engaged to ensure they are suitable to work with and around children. It is important not only to think about staff who will be recording or filming with children, but any others who might interact with children on the project, such as those who will have access to children’s personal data. At times contributors may also need to have DBS/Disclosure Scotland checks carried out on them or will need to complete a personal disclosure form, a draft version of which is available in the Appendix section - Appendix 4-. This can be adapted to include the specific elements related to your production. If you are unclear as to whether your production staff or crew will need to have DBS checks carried out prior to filming, please speak to your Compliance Contact who can advise you.

Production companies producing Factual, Factual Entertainment and Contributor-led Entertainment programmes or series for Sky should request all potential contributors to fill out a research and self-declaration form prior to their inclusion in any filming; a draft copy of this form is enclosed in this pack and can be used and adapted for each specific series. (See Contributor Self Declaration Form - Appendix 4). Once the final selection or casting process has taken place Basic DBS (or Disclosure Scotland) checks should be carried out on all your main contributors prior to any filming taking place.
D: Drama & Comedy Productions: Background Checks for Supporting Artists working on Productions involving children

Pact, together with the BBC, Channel 4, Channel 5, ITV and Sky are committed to safeguarding children working in our industry. As part of the background checks producers already undertake for production staff and freelancers, we are implementing an additional measure to protect children. From 1st January 2016 onwards any Supporting Artists (SAs) they supply to work on productions involving children (in either speaking or non-speaking roles) must have obtained a basic disclosure certificate which shows that the SA has no unspent convictions for sex offences.

What is a Basic Disclosure Certificate?

A basic disclosure certificate is a document containing impartial and confidential criminal history held by the police that can be used to make safer recruitment decisions. The basic disclosure document will provide details of an individual's unspent criminal convictions, or state that they have none. Currently, Disclosure Scotland and AccessNI (Northern Ireland) are the only official UK bodies authorised to provide basic disclosure certificates for all UK residents. See links below.

https://www.mygov.scot/basic-disclosure/apply-for-basic-disclosure/

The DBS in England and Wales does not currently provide a Basic Disclosure Certificate.

What is a production involving children?

It is the producers’ responsibility to inform agencies that a particular production involves children. If children are engaged on a production in any way and at any time the producer must ensure SAs have had relevant background checks.

If you have decided, it is not necessary to have all SAs disclose their criminal background by way of a Disclosure Scotland/AccessNI certificate you must discuss your reasoning with your Commissioning Executive.

How are agencies being informed of their obligations?

The participating broadcasters are updating their contractual documentation with agencies to inform them of the relevant obligations.

It is also recommended that producers include the following wording as a warranty within their contracts with any agencies:

Agencies must ensure that:

- A Basic Disclosure certificate has been obtained from DBS Scotland/AccessNI for every SA who is to be supplied to work on any programme or film which involves working with children at any stage during the production. The Agent will not provide any SA who has unspent convictions for sexual offences as contained within the Sexual Offences Act 2003.
- A new Basic Disclosure Certificate is provided by SAs every 18 months. If within the period between obtaining Basic Disclosure Certificates an SA is convicted of an offence under the Sexual Offences Act 2003, the Agent must be informed of this by the SA so that the Agent will not supply the SA's services to a producer.

Producers are reminded that this additional safeguard does not replace the existing measures in place to protect children and their wellbeing whilst in their care as part of any performance licence and duty under the Ofcom Broadcasting Code.

Please direct queries to Elouise West on elouise@pact.co.uk
E: Contributor and Data Protection Checklist – Mandatory

Sky expects all production companies to complete and email to the relevant departments the Contributor Checklist for Productions and Data Protection in Appendix 5 as part of their contractual obligations to Sky. This should be done at the pre-contract stage or earlier to ensure that all relevant contributor checks have been considered and discussed with Sky and the right funding, pre-production time and staffing levels are put in place before contracts are signed off. Your production contract will not be fully signed off until these elements have been fulfilled. Sky now includes both mental and emotional risk alongside physical risk within their overall risk assessment; to help with this process please ensure that a copy of your Contributor and Data Protection checklist is sent through to Sky’s Health and Safety department as this will help them get a clearer picture of the safeguards you are putting in place.

F: Children at Risk

If you have a concern that a child or young person is at risk of harm you should refer this to your nominated manager. However, if you suspect a child is at immediate risk of harm and the nominated manager cannot be contacted immediately, the police should be alerted straight away.

If you become aware of any incident of suspected “grooming” online, you must refer it promptly to your Sky Production and Compliance Contacts who can put you in touch with Sky’s online team for help and advice. There is detailed advice about identifying suspected “grooming” online and how to react Sky-Safeguarding-Policy-2019.docx Appendix 3).

In a school environment, Sky’s Child Protection Policy states that where Sky staff become concerned about the welfare of a child they will share that concern with the school’s designated child protection teacher, who will follow locally agreed procedures. If it is felt more appropriate, any issue can be referred through the relevant Sky child protection nominated manager.

G: Keeping Contributor’s Details Safe

Part of our duty of care provisions for our contributors - whether they are adults, young people or children - involves keeping their personal details safe during and after filming. All contributor details including biogs, personal details etc must be kept on an encrypted and password-protected document/file and only circulated to specific staff who require this information, for the purposes of data protection compliance. These files should be deleted once the programme/series has had its first TX.

When filming with contributors in or outside their homes or places of work etc care must be taken to ensure that we don’t inadvertently create any privacy or safety issues for contributors by showing details that can identify their exact address or any other personal details to the viewer. House numbers, car registrations and road signage should either not be visible on camera and/or masked in edit. Attention should also be given to what can be seen in the back of and periphery of shots inside people’s homes to ensure that no personal details are visible, such as address details on a postcard or letters on the fridge etc.

H: Identifying Children in our Output

In relation to filming with young people and children, as well as following the same procedures for adults, we would advise that young people and children are only identified by their first name with details about their school or college etc being kept to a minimum and/or not included unless there are editorial reasons for doing so. Again this is to ensure that there is no opportunity through the build-up of information given about them, ‘the jigsaw effect’, that viewers are able to identify where they go to school or where they live.
Even when the story is non-controversial it is likely to be more appropriate to name a child only by their first name and to give the name of the large town they live in or near rather than more specific details. However even this may be too much information in some circumstances *(for example if the child has an exceptionally distinctive first name, it is advisable that their location should not be revealed)*.

In many non-controversial and non-sensitive cases, there may also be other important reasons not to identify a child. An example could be where you are filming in a school and one child should not be shown because they and their parent have fled from an abusive partner. If the child was filmed, their location could be revealed to the ex-partner. Advice is available from the Editorial Compliance department at Sky regarding these matters.

If you are thinking about giving out more details about a child, for example their surname in a story where the child is already publicly known *(a sports star for instance)* or where they have won an award and deserve recognition, this should be considered and - where appropriate - discussed as part of the consent process.

Naming the contributor's school can make a child locatable by those who might wish to cause them harm. It is not usually advisable to name the school unless it is part of the story, for example where the school has done something interesting and becomes the main focus of the piece. Where a school is named, consider limiting other information that is given out.

Think carefully about when to film children in school uniform. Even if the name on a school jumper is not legible on screen, a distinctively-coloured uniform may identify the school to that area's inhabitants.

**I: Data Protection**

We must keep all contributors' personal data safe for their protection and abide by the Data Protection Act. Sky's Data Protection guidelines outline the main requirements, including password protection etc. Please speak to your Production Contact for further information.

Remember to consider all points at which contributors' data need to be kept securely. For example, think about what information goes into a script and who might have access to that script, or if user-generated content or correspondence is being physically taken to a studio or public area, mask the contact details. All contributor details including biogs, personal details etc must be kept on an encrypted and password-protected document/file and only circulated to specific staff who require this information, for the purposes of data protection compliance. These files should be deleted once the programme/series has had its first TX.

Sky's Data Protection Team is able to advise Sky staff on data protection issues; if you have any data protection queries please contact your Production Contact in the first instance and they can put you in touch with our in-house Data Protection team.

**J: Informed Consent - Release/Consent forms**

The requirement to obtain informed consent is a key principle of the Ofcom rules and Sky's Editorial Policy. All contributors must be made aware of the nature of the programme, the nature of their contribution and how it will be used in the programme; including the longevity and repeat nature of future transmissions.

Each production is different, so it is vital that Producers raise any special situations or any foreseen difficulties in connection with securing releases prior to production. Consent should be obtained in the form of a written release. An appropriate CONTRIBUTORS RELEASE FORM should be used which complies with the requirements of the Sky commissioning agreement as well as the specific requirements of the production, in accordance with suitably qualified production legal advice.
A shorter release form may be used in certain circumstances e.g. for filming and recording an individual, by way of interview or otherwise, whose contribution is not featured significantly in the programme but who is clearly not a random and anonymous member of the public. This will vary for each individual production and must be discussed with Sky before filming. Sky acknowledges that due to the demands of production there may be limited circumstances where a written release cannot be obtained but consent is required. The Producer should use every effort to obtain a written release before or after filming but, where this is not possible; a VERBAL RELEASE TO CAMERA must be obtained. This should be time and date stamped. The Producer should note that although at the time of filming this may seem an attractive alternative to a written release, a written release form is always preferable, furthermore Sky will require the Producer to keep the footage containing the verbal release for the period of Sky’s rights to the programme so that they can be reviewed when necessary.

**K: Parental & Child Consent**

Parental consent must be obtained for all under 18s. If the child or young person’s parents are separated parental consent must be obtained from both parents if they have joint custody. If only one parent has custody proof should be provided to this effect as well as the parental consent form being signed and best endeavors should be taken to inform the other parent of their child’s involvement in the programme, unless there are child welfare issues that preclude this. An appropriate PARENTAL CONSENT RELEASE FORM should be used which complies with the requirements of the Sky commissioning agreement as well as the specific requirements of the production, in accordance with suitably qualified production legal advice.

When seeking informed consent from a child, all the information should be given in a way that can be easily understood by the recipient. An appropriately-pitched explanation of the proposed contribution should be given. In pitching your explanation, think carefully about the age and maturity of the child in question. Sometimes it can be helpful to ask the child to say back to you what he/she understands his/her participation would involve, checking they have understood. Make sure the child does not feel pressurised to agree - let them know it is okay to accept or decline. *(Children often see adults as authority figures with who they cannot disagree).* Also look for non-verbal signals that may express what a child is really feeling about participating. Personal consent forms with age appropriate language should be used for children over the age of 11 and on-camera consent should be obtained from younger children on an ongoing basis to ensure they are happy to be filmed on each occasion.

With babies and toddlers, it may sometimes be appropriate to consult an independent expert to discuss the child’s involvement.

In addition to verbal communication, an easy to understand confirmation letter could be addressed to both the child and parent. We generally recommend suitably worded briefing documents to be used in most instances - one for the child, in language that they will understand and one for the parent. This will be necessary if there are any surprises planned for the child, as parents should be made aware of these. Any likely consequences of the contribution - both negative and positive - should also be made clear to both parties.

**Briefing documents/confirmation letters to parents should also include:**

- The nature and type of programme they are taking part in;
- What they will be required to do or take part in for the programme and what their contribution will be;
- How their contribution will be featured within the programme;
- Practical details;
- Health and safety details;
Inform parents that there is a child protection policy which staff must follow. Staff should not ask for children's personal details or offer their own details. Sky/Independent production company contact details should be provided by staff, e.g. programme email addresses or phone numbers, not individual email addresses - see "Appropriate behaviour with children and young people" - Section N further on). It should also be made clear that staff should not be placed in a caring or supervisory position. (If this is to happen there has to be express agreement of all parties in advance of the visit).

Describe how Sky/Independent Production Company protects personal data.

L: Evaluating the Impact of a Contribution on a Contributor

Even when we have secured 'informed parental consent' and 'informed consent' from a child, we must consider carefully the impact and possible consequences of any material which involves a child, both during the production process and once the material has been broadcast.

We should think about the story we want to tell and how to do it in a way that is not detrimental to the child, either at the time, or afterwards. Consideration should be given as to what is appropriate to put into the public domain. We should pay particular attention to the expectations of privacy of people under eighteen (under 18s), and those who are vulnerable. Care is required as a 'young person' is unlikely to realise the consequences of sensitive or controversial information about them being broadcast. They may share quite intimate revelations with us, not being aware of any possible repercussions if this information became public. A "young person" is currently defined as anyone in full time education, in an apprenticeship or in part-time education as well as working up until the age of 18 (government guidelines on school leaving age in the UK). This means, in England, anyone in the education system between the ages of 16 and 18 years e.g. on a college course, apprenticeship or sixth form falls within this category. In Scotland, Wales and Northern Ireland the school leaving age is 16yrs at the end of the school year.

Think carefully about each child's privacy - we should pay particular attention to the expectations of privacy for under sixteens (under 16s). Parental and child informed consent should normally be obtained if a contributor is to be featured in our output in a way that would infringe their privacy:


Productions must consider whether it would be helpful to seek advice from an appropriately qualified professional, such as a child counsellor or psychologist - someone who doesn't have a vested interest in the child's participation - depending on the nature of the programme and the child contribution or role.

On some projects it may be appropriate to seek professional advice, such as a psychologist or child psychologist, during the selection process for actors or contributors to assess whether an adult, young person or child has hidden vulnerabilities or is emotionally robust enough to cope with the proposed involvement. The employment of such experts should be discussed as part of the Contributor and Data Protection Checklist (Section E) considerations at the pre-contract stage of production. The involvement of a psychologist will help to ensure proper considerations are taken over the welfare of contributors throughout the production process, from filming to TX and post transmission. Their advice and guidance can prove invaluable to production teams especially with contributor-led content, helping to ensure best practice and that duty of care protocols are in place and followed.

In all cases it is very important to consider how a contributor's involvement in the programme might affect the individual, especially on sensitive or controversial projects. Think about their health, emotional and physical, background and educational circumstances.
With young people and children involved in content about sensitive and/or controversial material, in addition to any expert opinion, it can be advisable to speak to the Head Teacher of a child's school for an opinion, or someone who knows the child well, as to whether it could harm the child if they become involved or are identified in the project. If the child does take part and the Head Teacher knows about it, the Head can also keep an eye out in case there are any issues post-transmission in the school environment.

There may be instances where, despite the fact the child and parent have given informed consent it is not advisable for them to participate. Serious consideration and discussion should be undertaken with Sky's Compliance and Editorial teams to assess whether to proceed with a contributor if you have any concerns that this might be the case.

Different genres and formats present different challenges regarding duty of care to contributors.

Where a contributor is portrayed negatively in a factual or entertainment piece we need to think about filming their redemptive journey - if there is one; this is particularly important to consider when it comes to young people and children as they are likely to be more affected by reactions to their portrayal. There may be some cases with no positive story to tell and we should consider whether it is in the interests of the child to broadcast their contribution at all. The more constructed the format, the greater the responsibility we have to give a child the chance to redeem themselves in the story.

Clearly we must not mislead the audience - we should tell true stories - but we must not do this at the expense of the child. Their welfare is more important than making a film about them.

Where conflict or highly emotional situations may be involved, big surprises could cause harm or distress, especially in live or as-live programmes. (An example might be where a child is unexpectedly reunited with an absent parent, live on air.)

Consider the impact on young actors and contributors of witnessing or participating in activities that might have a negative psychological effect on them. For example, think about the impact of a child actor on taking part in a murder scene or in dramas concerning paedophilia or prostitution. We have a duty to obtain children's informed consent but it is important to consider what details should be given to the child about the full nature of the drama and what language should be used to describe it, in order not to cause distress, yet allow them to make an informed decision. The age of the child and nature of the content must be considered. Think carefully about what is appropriate for a child to witness or participate in and what psychological repercussions this could have on the child. In dramas it may be appropriate to shoot elements of a scene in such a way that a stand-in can be used in place of the child and reverse shots of the child added later to help mitigate these elements. Young children have difficulty understanding what is "acting" and what is "real" so productions must evaluate how their involvement could affect them and take steps to protect their wellbeing.

To help a child actor differentiate between acting and real life it is useful to explain the technical aspects of how things are done. For example, in an adult television drama where a child actor might witness some violence, you can show them that certain props are fake so that the actor is not hurt - anything to help them separate reality and artifice.

You should consider what repercussions there may be to a young actor in a strong drama after it is broadcast. For example, even if a drama transmits post-watershed, adults in their community may have seen it and rumour may filter down to their children who could bully the young actor at school. Don't forget to liaise with experts, if appropriate, and make sure the parents are fully aware of the content and have seen a script before agreeing to the child's participation. Keep them posted if things change materially between agreement and recording and recording and broadcast.

Another concern is where contributors or actors may emulate an activity which is controlled in a production but which in real life would be dangerous for them to participate in. A key concern for makers of content for children should be to avoid the dangers of imitative behaviour both for the contributor and the audience.
particularly with easily accessible objects, such as household objects, implements and tools, such as knives, tumble dryers, fridges, hammers, washing lines etc.

Children involved in competitions or game shows may become stressed or upset if not cared for appropriately, so you should make plans to minimise stress and support the contestants.

You should also consider how to make sure that the audience is aware that you have not been cavalier about the welfare of contributors or actors. For example, in editing entertainment programmes to give the impression of added jeopardy, it is easy to give the false impression that children have been put under extreme stress, which would be misleading to an audience. It may be appropriate to communicate to the audience that a contributor’s welfare has been safeguarded. This could be done through voice over within the script or via a graphic prior to the credits.

It is good practice, and in some sensitive or controversial cases strongly advisable, to document how children and young people are cared for on a production as evidence of how they were treated. For example, you can keep records of schedules and briefing letters, correspondence, concerns raised and addressed and the procedures put in place.

Aftercare is very important for all contributors, especially with content that covers sensitive or controversial content. If a contributor’s contribution has evolved during post production, it may be advisable to let them know prior to transmission. Depending on the nature of the content and the contributor’s involvement with it, it may be appropriate for a member of the team, preferably the main contact, to keep in touch with the contributor and their family to monitor any specific after-effects that might have resulted from their participation. However, you should consider the consequences of continuing a relationship or communication beyond the recording/event. A vulnerable child/family may seek you out for further, ongoing support which could place you in a difficult position. In some cases, providing access to sources of professional help or support, such as a psychologist or counsellor, may be advisable.

There may be some very sensitive content where it could be appropriate for Sky to limit the period of time that the programme should be repeated. However, the contributor and their parents should be made aware that third party websites may reproduce our content globally without our knowledge or consent, so no guarantee can be given that a contribution will not be seen in particular countries.

Please be aware that even if appropriate safety measures for contributors are in place, you must also consider whether a child watching or listening on their own, without adult supervision, could easily copy the behaviour and harm themselves. See Ofcom Rules and Guidance on ‘Imitable Behaviour’:


M: Online and Social Media Issues

It is important to explain any possible consequences to the child or young person and how these would be managed. Consideration should be given to the potential for malicious comment to be circulated on the internet and how this could be managed. It may be relevant to give the programme title too, especially if it is controversial. Detailed guidance on how Sky expects production companies to deal with Online content along with advice and practical guidance for contributors on how to deal with unpleasant social media comments and keeping their social media accounts private are enclosed within Sky’s Social Media Guidelines for Contributors in Appendix 6.
N: Appropriate Behaviour with Contributors

We want the experience of working with Sky to be a good one for all contributors - to do otherwise could distress them. In all dealings with contributors and actors, especially young people and children, clarity is key. Always make sure the child and parents understand what is planned, (see "Informed Consent" - Section J). Make sure the potential long-term consequences of participation are explained and never make promises that cannot be kept. Being clear about intentions is especially important on a long-term project as you build up a working relationship with a contributor, family or child, especially if any of the contributors are vulnerable.

You also need to make it clear to external organisations what you expect from them, for example that you do not expect them to leave you unsupervised in a class of children. When visiting an external organisation that works with children, make sure you have suitable identification. A line manager should be aware of your visit, so that the organisation can check your authenticity, if they wish to.

O: Appropriate Behaviour with Children and Young People

You should think about appropriate behaviour with children, beginning at the research stage. Wherever possible liaise with the parents/school for contact information and use a Sky/Independent production company contact address, email or phone number, especially for any contact with children. It is important to use an office number even if you normally use your own mobile for work calls. If for any reason you give out a mobile number, a senior member of the team should be notified and a record should be kept.

We normally aim to work with children in the presence of those responsible for their supervision, although circumstances may vary. It is sensible to provide a single, consistent point of contact on the production team, someone who can also oversee the contributor or actor's welfare throughout and with whom the participant and parents/guardian can liaise throughout production.

When working with children or young people, avoid entering a room where they may be changing their clothes or not fully dressed. If it is vital to speak to the child, make sure another adult is present. Do not initiate physical contact - this can obviously be innocently intended but it can easily be misunderstood. However, if a child comes to you, or is in distress, act responsibly ensuring you are in a public space with at least one other adult present.

If physical contact is necessary, for example by a make-up artist or by a sound engineer attaching a radio microphone, ensure the child is accompanied by a guardian/chaperone and that doors are kept open. Where possible, you should be within the hearing of others. Any contact should also be age appropriate, you should ask the child's permission beforehand and explain what you want to do and why it is necessary.

A child should never be made to feel uncomfortable in any way. Make sure that the child and young person continues to feel comfortable with their participation throughout. You should respect their wishes if they change their mind. Never engage in or endorse any bullying or harassment of a child. Make sure you do not use inappropriate language in front of a child. Words which may appear to be a simple term of endearment e.g. “beautiful, sweetie, honey” could be inappropriate when directed towards a child and their first name should be used to address them.

It is important that all production staff, crew and on-screen talent are briefed appropriately so that they put the child's welfare first. In an adult drama, where there is strong language and action on set, make sure this does not spill over off set. (See also "Evaluating the impact of a contribution on a contributor" Section L)

Training should be given to staff who have little experience of working with children.
**P: Child Licensing**

A child licence must be obtained for a child taking part in a performance for broadcast, when they are of an age where they are still legally required to be at school. A licence is required for children 16 and under. See note below.

Licensing is an important matter - not to license when required to do so is a breach of the law. *(Current guidelines are available in Best Practice – Child Performance & Activities Licensing by Local Authorities in England (Feb 2015) Appendix 7 and PACT’s Guidance for Filming with Children and Licensing differences across the UK (2015) Appendix 8)*. Here you can get details of the licensing rules and regulations, how to apply for a licence and details of when a licence is not needed. Independent production companies should talk to their Sky Commissioning Exec and their Compliance Contact if they have any concerns about licensing.

**N.B.** A child is of compulsory school age until the last Friday in June of the year in which they reach 16. Note that it is now compulsory in England for a young person to remain in some form of education until the age of 18. However, licensing applies to school age children i.e. up to the end of the academic year after the child turns 16. It is the responsibility of the producer to obtain the licence and a Local Authority can insist upon 21 days’ notice. Failure to obtain a licence may result in a fine and/or imprisonment.

**Q: Contributors with Disabilities and Vulnerable Contributors**

Sky will always seek to be inclusive of all sectors of the community which may include working with people with disabilities and vulnerable people within society. Child contributors or actors who have disabilities and vulnerable contributors may have additional welfare requirements. It is important to contact relevant experts and organisations for advice and follow relevant protocols to ensure the right level of safeguarding and additional welfare needs are put in place. Advice should also be sought from experts on the appropriate language when referring to a particular disability.

**R: Transport**

Your transport policy should set out clearly how children involved in your production will be transported. Children should always be accompanied by a parent, legal guardian or licensed chaperone registered with the relevant LEA licence. If transporting under 18s, consent should be obtained from the parents beforehand and due care taken to ensure that no under 18 is left to travel alone with any adults who have not been DBS checked. Reliable taxi or hire car firms who have drivers who have had DBS checks should be used. Avoid transporting child contributors with other adult contributors, other than their parents or talent/presenters to ensure the child’s welfare is protected at all times.
S: Best Practice Tips for the Welfare and Duty of Care of Contributors and Under 18s

These tips include details of how best to work with under 18s in particular but all of the main points are also relevant and should be followed when dealing with adult contributors as well.

Before filming
- Ensure the editorial of the programme or series including the tone is fully explained to the contributor and how their involvement will fit into this. Provide them with specific details of what their involvement will be within the programme, the timeframes involved and discuss possible impacts to them of being involved in the programme.
- Use NSPCC cards provided by Chaperones and given to participants and their parents to explain what to do if a participant or parent is unhappy about anything.
- Make the participant aware of possible negative repercussions of appearing on the programme, before seeking consent.
- Compile detailed notes about the contributor's background including medical history and relevant mental health issues.
- Where appropriate ask the participants to obtain sign-off from their general practitioners (GPs) to obtain appropriate knowledge of their specific care needs in order to protect participants.
- Gain awareness of parental custodial issues. It is important to be aware of the identity of the custodial guardian of the child so that appropriate consent can be given. Please note that even in circumstances where the parents of the child are divorced or separated the consent of both parents will be required.
- Give participants the chance to meet with former participants where relevant/possible in order to gain a better understanding of what they are getting involved in.
- Ask the child for his/her consent, and not just ask the parent.
- Children to be accompanied by people who they know, such as a parent or a teacher.
- Ensure that a parent is present, even during phone interviews, or making sure that two members of staff are present in the absence of a parent.
- Familiarise children with unfamiliar environments, e.g. tour of studio.
- Check, immediately before filming, that the child still wants to take part.
- Ensure continuing consent and on-camera consent, particularly for younger participants throughout the process.
- Ensure that a number of people in the team are aware of any issues surrounding the child, rather than just one or two albeit there may be confidentiality issues.

During filming
- Make the children look good on the show and boost their confidence, e.g. through choice of questions in quiz shows.
- Manage the studio audience, e.g. not allowing booing or calling out so that the child is not intimidated or distressed by the audience.
- If a child asks for filming to stop or becomes distressed, then filming will stop; this event will not be broadcast.

After filming
- Consideration should be taken about whether scenes that could portray a child negatively should be edited out; dependent on the editorial and after thorough discussions between production, the family and relevant experts.
- Consideration should also be taken about whether it is appropriate to edit out content that the child has concerns about or does not want aired. Again, relevant discussions between production, the family and relevant experts should be had in this instance.
- Keep in contact with participants after the programmes, e.g. with regular follow up calls from an expert such as a psychologist.
- Organise appropriate counselling for participants afterwards if needs be, e.g. by tailor making support by liaising with the participant's GP and organising delivery of post-programme activities that might be helpful on request of participants.
• Ensure that programmes featuring teenagers that are not designed for teenage viewers are not shown during the school holidays in order to prevent possible negative repercussions, such as the increased chance that the participant’s peer group will see them on television which could lead to teasing or bullying.

• Take into account the impact of a show on the viewers, e.g. taking care not to show children acting in a way that might encourage dangerous, inappropriate copycat behaviour to other children viewing the programme.

T: Work Experience

Minors (School Children up to 16 years of age)

Work experience placements should be formally set up with the child’s school and you are obliged to follow the strict limits and experience criteria laid down by the school/education authority for that placement. These placements are shadowing/look and learn experiences and as such do not require payment as no ‘work’ is undertaken by the student.

If a placement is organised less formally (typically by a production company employee who wants to give a child they know some work exposure) this will also be a shadowing/look and learn placement and as such does not require payment.

Strict guidance on supervision should be followed and child protection precautions taken during all placements of minors, including background checks on supervising staff members where appropriate (again criteria and guidance apply by the relevant authorities) irrespective of whether formally organised through a school or less formally organised through an alternative source.

Student placements/internships etc.

A-Level or Degree students undertaking longer term paid placements or summer work must always be paid at or above minimum wage levels.
APPLICATION FOR STAGE 1 SECRET FILMING AND/OR ‘DOOR STEPPING’

TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SECTION 8 OF THE OFCOM BROADCASTING CODE

To: Choose a name

From: Click and enter name of Commissioner

Re: [click and enter name of programme/series]

1) Date of Application: Click here to enter a date.

2) Person(s) to be filmed:
   Click here to enter text.

3) Reason for secret filming / door stepping:
   [Give an explanation/reason for secret filming and/or door stepping, including any relevant evidence]

4) Is Sky warranted in secret filming or door stepping and/or what important public interest could be served by this surreptitious filming?
   [State the public interest point made and/or whether Sky is warranted to film and broadcast]

5) Details of communications made to person(s) requesting an interview, which have been unsuccessful.
   [Give details of the types of communication used, dates sent, number of attempts etc.]

6) Proposed date of secret filming/door stepping.
   [Click here and insert date(s)]

7) Venues:
   a) Proposed likely venue(s) for filming:
      [State the venue(s) and any additional information related to where you intend to film, such as whether a risk assessment has taken place]

   b) Detail the set up situation to facilitate secret filming/door stepping:
[Explain the set-up situation being used to carry out the secret filming/door stepping and confirm whether permission will be sought/or has been granted from location?]

8) Consent:
   a) Will consent be sought from the person(s) after the set-up situation has been filmed and revealed to them?
      [State whether consent will be sought and the reasons why not, if applicable?]

   b) If consent is not sought, is the material likely to result in public ridicule or personal distress?
      [If yes, explain what justifiable cause there is (public interest) to show the material and is Sky warranted to do so?]

9) Will the footage be made available to the police or any other authority for investigation?
   [Click here and give details]

The above has been approved by **Head of Compliance**.

Signed:

[Name: Click here to enter text.]
[Date: Click here to enter a date.]

Please confirm whether you grant permission to film the above set-up situation.
Approved by **Head of Channel**.

Signed:

[Name: Choose an item.]
[Date: Click here to enter a date.]

Once this form has been signed off by the relevant people it should be circulated to your Sky Production contacts in: Production, Compliance, Commissioning, Legal and Press and PR.
APPLICATION FOR STAGE 2 SECRET FILMING AND/OR ‘DOOR STEPPING’

TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SECTION 8 OF THE OFCOM BROADCASTING CODE

To:   Click and choose name

From: Click and enter name of Commissioner

Re:   [click and enter name of programme/series]

1) Date of Transmission: Click here to enter a date.

2) Details of earlier application:
   Give details here of stage 1 application, and attach stage one document to this request

3) Filming:
   a) Was the set-up revealed to the person(s) after filming/ the door stepping filming?
      [state here whether this was the case and, if not, the reasons why not]
   b) Was the person(s)’s consent obtained after the set-up filming?
      [state here whether this was the case and, if not, the reasons why not]

4) Consent:
   a) If consent has not been sought/granted, is the material likely to result in public ridicule or personal distress?
      [state here - if there is justifiable cause (public interest) to show the material?]
   b) If consent has not been sought or granted, is the transmission of the content likely to infringe the participant’s privacy and is this fair to the participant?
      [state here - if yes, is there justifiable cause (public interest) to show the material?]

5) If the answer to 4 is “yes”, what is the important point of public interest made by the set-up situation/secret filming/door stepping?
6) [state here the public interest point and reasons to transmit without consent and/or if the person(s) privacy will be infringed etc.]

7) [state here whether the person(s) have been made aware that the filming has taken place (secret filming) and will be broadcast]

8) **Please state any other relevant information pertinent to this secret filming/door stepping:**
   [state here - e.g. whether the person(s) has complained about the set-up situation/door stepping and what response, if any, has been sent to them]

9) **Taking all details and evidence into consideration, is there significant public interest and is Sky warranted to transmit this material?**
   [click here and give confirmation]

The above has been approved by **Head of Compliance**

Signed:

Name: Click here to enter text.
Date: Click here to enter a date.

Please confirm whether you grant permission to film the above set-up situation.

Approved by **Head of Channel**
Signed:

Name: Choose an item.
Date: Click here to enter a date.

Once this form has been signed off by the relevant people it should be circulated to your Sky Production contacts in: Production, Compliance, Commissioning, Legal and Press and PR.
Child Safeguarding
@ Sky
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1 THE FRAMEWORK
1.1 What’s it for?

At Sky we are committed to the wellbeing and safety of children, whenever they interact with our company, whether that’s as employees, students, children, visitors or users of our products and services.

This includes

- Ensuring staff are properly checked when they are recruited and as required by their roles.
- Putting in place guidelines and procedures for people who interact with children or young people as part of their role to ensure they know what they need to do to keep children safe.
- Following procedures to protect children and report any concerns about their welfare to appropriate authorities.
- To have a clear process to enable Sky to deal with misconduct of any staff or partners.

This guidance explains to everyone what they must do if they are concerned about a child or young person’s welfare. It shows the process that everyone should follow to keep children and young people safe, however and wherever they have contact with us at Sky.

Under the law a child is someone who has not reached their 18th birthday.

1.1.1 Who uses it?

We all do - This guidance applies to all Sky activities and to all Sky People across the group, including contractors, appointed service providers, Independent Production Companies and other third parties who work under the management of Sky.

Where Sky uses the services of a third-party company, that company is expected to have a sufficient child protection policy in place at the time of awarding a contract. Should an incident/allegation occur they are responsible for managing it, but Sky should be informed within 24 hours.

1.2 Who’s responsible?

Everyone at Sky is responsible for keeping children safe - We are responsible for making sure this guidance is followed on Sky sites, as well as in the field. Everyone has a responsibility for the wellbeing and safety of children and as such all Sky people are expected to speak up if they have any concerns that a child is being abused or at risk of harm.

To support this guidance, there are some specific roles and responsibilities that have been established. The policy sponsor is the UK & ROI Chief Exec Officer, Stephen van Rooyen.
Child Protection and Safeguarding Committee

The committee is made up of key stakeholders within Sky whose work activities involve working with children or providing support to the business on child protection requirements. They will be known as the Child Protection Representatives in their respective areas. They are responsible for ensuring the Governance of the policy and will meet quarterly and review the policy annually. The committee has a Terms of Reference document to support the Governance, and the Chair will be a member of the Health & Safety Team.

The Child Protection Representatives are responsible for:

- Overall governance, audit and review of the policy
- Delivery of effective child protection practices
- Establishing systems and procedures that protect children
- Promote awareness and compliance with the policy
- Ensure relevant Sky People receive appropriate training

People Plus Team

They are responsible for:

- Initial recording of incident
- Provide advice to Sky People on the steps that they should take when they have a concern about a child’s welfare.
- When allegations have been made relating to a Sky person, reporting without delay to the Employee Relations team.
- Record details on the People+ Case Management System.

Employee Relations Team

They are responsible for:

- Contacting the relevant external authorities if required
- Reporting resolution to Child Protection & Safeguarding Committee
- Confidentiality of records.
- Internal contact with line managers/ HR legal as required.
- Ensuring appropriate support is provided to protect the welfare of all involved.
- Managing the incident to a resolution on behalf of Sky in line with the relevant HR Policy.
1.3 What constitutes abuse?

Child abuse is any action taken by another person (child or adult) that causes or is likely to cause significant harm. This can be in many forms - physical, sexual, and emotional. It can also involve providing a lack of love, care and attention.

Vulnerability to abuse increases if a child is already disadvantaged, e.g. they have a disability or are excluded from school.

Child protection experience overtime has led to the development of several common terms. It is helpful when discussing your concerns if you can use the same language. Some of these specific terms are noted in bold below to identify them. It avoids confusion and misunderstanding and potential embarrassment.

Within Sky we wish to have an open and safe culture, where children can be safe. Part of this process involves equipping our Sky People to be able to recognise and report abuse.

In so doing, we can create a safeguarded environment where it is difficult for people to groom and abuse children.

If you have any concern about a child’s welfare, the conduct of a member of staff or contractor at Sky towards children you are required to report it.

1.3.1 Safeguarding children means:

- Protecting them from abuse and maltreatment
- Preventing harm to their health, wellbeing or development
- Acting at an early stage to address issues that might be affecting either of the above.

In other words, it’s about preventing harm by dealing with low level concerns before they get too serious.

1.3.2 Child protection is:

Connected to safeguarding and is the process that people are expected to follow if a child is suspected to be suffering or likely to suffer significant harm. It puts a responsibility on people like Social Workers and Police to check out that children are okay.

1.3.3 Significant harm means:

Serious harm such as a physical or sexual assault. It can also include incidents of neglect or emotional harm, such as bullying or trolling where the long-term effect can seriously damage a child’s health, development or overall wellbeing.
1.3.4 Abuse means

Basically, it is the ill treatment of a child. Somebody may abuse a child by inflicting harm, or by failing to act to prevent harm.

Remember; children can abuse other children and child abuse has been committed by men and women of all ages.

1.3.5 Where’s it most likely to happen?

Children are most likely to be abused by someone they know such as within their home or where someone works or volunteers with them. A child can also be abused via the use of the internet, mobile devices and other computing equipment.

1.3.6 Types of abuse

- **Physical** - deliberately hurting a child causing injuries, broken bones, cuts etc.
- **Sexual** - when a child is encouraged to take part in sexual acts, watch images of sexual acts and is encouraged to take part in inappropriate sexual behavior.
- **Emotional** - emotional maltreatment or neglect of a child.
- **Neglect** - ongoing failure to meet a child’s basic needs,
- **Grooming** - the development of trust with a child and often their family to allow sexual abuse to take place.
- **Online abuse** - This covers any form of abuse that occurs over the internet.
2 THE APPROACH
2.1 What is the Sky process?

The Sky process is based on providing a simple and effective four stage system. This allows Sky People to:

- Recognise abuse;
- Report the abuse;
- have the issue Resolved and;
- the outcome Recorded.

It is based on a universal acceptance that:

**WE ARE ALL RESPONSIBLE FOR KEEPING CHILDREN SAFE**

To do this Sky have introduced a process to follow. This is based on the four R's.

**RECOGNISE:** If an employee suspects that a child is suffering from ongoing abuse or is in imminent danger of suffering abuse they should contact the relevant authorities immediately (police) and report this. If they are unsure whether this is necessary, or if allegations have been made regarding a Sky employee, they must contact the People Plus helpline to discuss.

**REPORT:** If allegations have been made regarding a Sky employee the People Plus team will log the report and escalate to the Employee Relations Team. The Employee Relations Team will assess the report and provide guidance. They will also consult with the members of the Child Protection and Safeguarding Committee. They will manage the report and the subsequent

**RESOLVE:** The Employee Relations Team will consider what to do. They will assess the allegations that have been made against the Sky person and recommend next steps. This may involve suspension from work and a formal Conduct process being followed

**RESOLVE:** Police or Children’s Social Care will:

- Decide on the next course of action that is needed to keep the child safe

**RECORD:** Recording what has happened

The People Plus and Employee Relations Teams will record the incident and ensure the records are kept confidently and in line with GDPR.
2.2 How do I report suspected abuse and how is it recorded?

If you have concerns about the behavior of an adult towards a child, whether they are a manager, colleague, friend, chaperone, parent etc., you can contact a member of the Child Protection & Safety Guarding Committee for advice or you can speak to the People Plus Team. You can be confident that you will not suffer any personal detriment by sharing your concerns.

A concern can also be reported via the Whistle Blowing procedure, for further details please see the Whistle Blowing policy.

You can also report a concern directly to the local authorities especially if it is not related to any Sky activities, however, if unsure please follow the advice provided above.

The Employee Relations Team will take on responsibility for Resolving and Recording, the incident in line with our Policies.

It is **not for you to decide** whether a child is being abused, **however, it is your responsibility to do something if you have any concerns. The something is report it.**

2.3 How does Sky resolve reports?

When allegations have been raised regarding a Sky employee, the People Plus team will notify the Employee Relations Team. They will be responsible for recording the incident and supporting an appropriate business manager to resolve it. They will take actions, such as providing advice to the business manager on reporting the allegations to the social services etc. and managing these in line with the relevant Sky Policy.

**Allegation Process**

The Employee Relations Team will undertake the following actions upon receipt of an allegation relating to the conduct of a Sky employee:

These will be based on the two potential outcomes of any allegation. These being:

- Potential internal disciplinary process
- External criminal investigation

Within 24 hours coordinate a meeting with relevant line managers according to nature and severity of incident.

This meeting will consider:

- Seriousness of allegation with evidence to support position
- Indication of criminal activity
- Risk to child and whether a referral has already been made
THE APPROACH

- employee/employer actions to be taken, internal disciplinary/welfare support/suspension to be considered etc.
- consideration of actions if allegation concerns contractor/freelance
- a detailed written record of discussions and decisions will be made.

Where local authorities or a law enforcement agency have been notified of concerns, their advice should be sought in relation to the pace and timing of internal investigations/disciplinary proceedings, to not prejudice any public enquiry or police investigation. Any investigation or disciplinary process will follow Sky’s Conduct.
3 Safeguarding Tips and Resources
3.1 Useful Tips

**Do**
- Listen carefully and take the matter seriously.
- **Protect the child.** In an emergency call Police on 999 if you think that the child is at immediate risk of harm. If the child has injuries that need immediate treatment you need to obtain first aid and consider whether to call an ambulance.
- Record what the child has told you in as much detail as you can remember and as soon as practicable. Use the child’s own words.
- Note the date and time and the name of anyone else that was present as they will be a witness.
- Keep first hand written accounts or notes. These will be required by Police if there is a criminal investigation.
- **Contact People Plus team as early as possible if the allegations relate to a Sky person**

**Don’t**
- Appear shocked or angry. This might deter the child from saying anything further.
- Ask detailed, probing or leading questions.
- Confront the alleged abuser- this may forewarn them, and they could dispose of evidence or interfere with any investigation that might follow.
- Keep secrets. You might be obliged in law to tell someone else to keep the child safe or assist an investigation.

3.2 Further information

For further information about this guidance please contact a Child Protection Representative or the H&S team via safe@sky
APPENDIX 1: VERSION CONTROL
## Version Control

### Version History

<table>
<thead>
<tr>
<th>DATE</th>
<th>VERSION</th>
<th>CHANGE SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/05/2019</td>
<td>V0.1</td>
<td>DRAFT</td>
</tr>
</tbody>
</table>

### Signature

<table>
<thead>
<tr>
<th>DATE</th>
<th>VERSION</th>
<th>APPROVER</th>
<th>APPROVER TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tbody>
</table>
‘Title of Series/Programme’
Commissioned for SKY UK (Sky)

PLEASE COMPLETE ALL QUESTIONS IN AS MUCH DETAIL AS POSSIBLE.
All applications must be received no later than [date to be inserted].
All applicants must be over the age of 16/18 (delete as applicable).

Please note that we have a strict data protection policy and the information below will be treated in
the strictest confidence.

<table>
<thead>
<tr>
<th>NAME:</th>
<th>AGE / DOB:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS:</td>
<td></td>
</tr>
<tr>
<td>TEL:</td>
<td>EMAIL:</td>
</tr>
<tr>
<td>OCCUPATION:</td>
<td></td>
</tr>
</tbody>
</table>

1. How would you describe yourself? (These questions can be changed or modified as needed.)

2. Why have you applied to be in the programme/series?

3. What are your hobbies and interests?

4. Who do you live with and what is your marital status?
5. Do you have children and, if so, how many?

6. If you have children who are separated from their mother/father, do you have joint or sole custody? (*This question is mandatory if their children are being seen on camera)

7. Have you appeared on any other TV programme in the last 3 years?
   If YES please give details:

8. Do you have any unspent convictions?
   (All contributors will need to complete a Disclosure Scotland check before filming)
   YES / NO
   If YES, please give details:

9. Do you have any medical conditions or disabilities which we should be aware of and/or any special requirements that we should be aware of?
   YES / NO
   If YES, please give details:

10. Are there any dates that you are unavailable for between xxxx and xxxx?

11. How did you hear about the show?
    (If from the internet please state which site)

12. If you are happy for us to follow you on twitter please provide your username.
    (You can also friend request us on Facebook by going to www.facebook.com/xxxxx)
DECLARATION:

[Name of Indie] and Sky is committed to safeguarding the welfare of vulnerable groups, including children. As part of that commitment, [Name of Indie] and Sky requires persons engaged on a production to complete a self-declaration form:

I declare that:

• I do not have any unspent convictions, with the exception of road traffic convictions that have not resulted in a court ordered disqualification; and/or
• I have never been subject to any disciplinary action or sanction relating to vulnerable groups

I consent to this personal data being processed and kept by [Name of Indie] and Sky solely for the purpose of child protection and the control of health and safety risk in accordance with the Data Protection Act 1998 and, from 25 May 2018, the EU General Data Protection Regulation. This information will only be disclosed on a need to know basis to specific employees of [Name of Indie] and Sky who need to be made aware of these details. [Name of Indie] and Sky reserve the right to verify the information you have given on this form. To make a false declaration is a serious offence, and may be referred to the appropriate authorities. If you are unable to make this declaration, you must inform the producer or executive producer of [Name of Indie] and you will not be asked to work on any programme which entails working with, or being in contact with, vulnerable groups. This is in pursuance of [Name of Indie]’s and Sky’s Child Protection Policies which are available on request.

If you are not selected as a contributor to this programme/series this form and any copies will be destroyed immediately. If you are selected as a contributor this form will be retained for the period of 1 year post the programme/series first transmission.

I confirm that all information provided is accurate, truthful and not misleading and I consent to this information being used in the programme if I am selected as a contributor to the series.

Full Name (block caps): …………………………………………………………………………………
Signature: …………………………………………………………………………………………………
Date: ……………………………………………………………………………………………………

This means if your name is on the Sex Offenders Register or you are otherwise known to the Police or any Local Authority Social Services Department, or any employer, as being an actual or potential risk to vulnerable groups.
CONTRIBUTOR CHECKS AND ASSESSMENTS

- It is the responsibility of the production company from the outset and prior to the commencement of production to undertake necessary checks on all contributors and/or crew, as appropriate.

- Checks may include, where appropriate, proof of identity and personal/professional references; and checks on the Police National Computer/local police records (basic Disclosure and Barring Service checks or 'DBS'). The Producer should endeavour to carry out similar checks for foreign nationals/non-UK residents/when filming overseas.

- Please note you must fill in the Contributor Checklist form (included on the next page). This form is mandatory and details of who to send it to are at the top of the form.

- In particular, DBS will be necessary where contributors are placed in a reality setting, or where there is interaction with vulnerable people. Checks on crew may be necessary as well. All crew and staff interacting with children must be fully DBS checked.

- The Producer should always discuss the requirement for checks with Sky's Compliance department at the earliest opportunity/the first compliance meeting.

- As DBS checks take time, it is the Producer’s responsibility to ensure that checks are carried out at the earliest opportunity and factored into budgets and schedules to enable, insofar as possible, all relevant information to be obtained prior to the contributor’s participation in a programme.

- As a precaution, the Producer should obtain information from contributors about their criminal record, by way of self-certification, prior to receipt of any checks. If there is any discrepancy between the results of self-certification and the final DBS information, this may result in the contributor being unsuitable for the programme.

- If the programme has contestants/contributors on standby, it is advisable that the Producer conducts the necessary and appropriate checks should any of the initial contributors drop out or not be suitable.

- When carrying out checks on contributors, the Producer should also consider whether contributors should undergo a test with a suitably qualified psychologist prior to their participation in a programme and whether the psychologist would need to provide support during filming and after care. Please note this applies equally to scripted content as to factual.

- The Producer should keep records of all checks/tests carried out (subject to relevant data protection laws).

- In the event that checks/tests reveal anything about a contributor/their background that could lead to an adverse public relations, legal or compliance issue, conflict of interest, or compromise/put themselves at risk or the programme/other contributors, then the Producer should immediately discuss further with the relevant Sky contact.
CONTRIBUTOR and DATA PROTECTION CHECKLIST

We have outlined below the different checks, releases and other paperwork that may be required for your programme/series to ensure that you cover off all of the relevant informed consent, duty of care and due diligence elements with your contributors and remain compliant throughout the production. Please review and tick those that you feel are applicable, might be applicable or should be considered.

Once completed, please send back to the Sky Production Executive and the Commissioning Editor looking after this programme as soon as possible so that any budgetary implications can be discussed and in any event before the Start-Up Meeting, so that Sky’s Commissioning Editors, Compliance and Legal departments can discuss this document with you at the Start-Up Meeting.

Programme Title:

Production Company:

Genre:

<table>
<thead>
<tr>
<th>Checks/releases:</th>
<th>Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Contributor Self-Certification – this should be completed at an early stage</td>
<td><strong>Mandatory</strong> for all Factual/Fact Ent</td>
</tr>
<tr>
<td>preferred as part of a production research questionnaire. It must ask if they</td>
<td>and Contributor led Entertainment</td>
</tr>
<tr>
<td>have any criminal convictions or any health issues that the production</td>
<td>Commissions.</td>
</tr>
<tr>
<td>company should be aware of. It must be signed and dated.</td>
<td></td>
</tr>
<tr>
<td>2. Contributor Consent/release form – this should include all relevant</td>
<td><strong>Mandatory</strong></td>
</tr>
<tr>
<td>information regarding the Contributor’s participation in the programme and</td>
<td></td>
</tr>
<tr>
<td>must include the Briefing Document referred to in 3 below.</td>
<td></td>
</tr>
<tr>
<td>3. Briefing document – this should explain the editorial of the series/</td>
<td><strong>Mandatory</strong></td>
</tr>
<tr>
<td>programme in plain English or where applicable translated into the local</td>
<td></td>
</tr>
<tr>
<td>language and set out full details of how the Contributor will be featured. It</td>
<td></td>
</tr>
<tr>
<td>will form part of the Contributor Consent/release form.</td>
<td></td>
</tr>
<tr>
<td>4. Are you requiring the Contributor to complete a ‘fitness to participate’</td>
<td></td>
</tr>
<tr>
<td>form to find out if there are any physical or mental health issues that may</td>
<td></td>
</tr>
<tr>
<td>affect their suitability for the programme? – This may be necessary depending on</td>
<td></td>
</tr>
<tr>
<td>the contributor’s age and potential vulnerability as well as the theme and</td>
<td></td>
</tr>
<tr>
<td>content of the programme.</td>
<td></td>
</tr>
<tr>
<td>5. Will the Programme include details of the Contributor’s medical conditions</td>
<td></td>
</tr>
<tr>
<td>or include them receiving treatment?</td>
<td></td>
</tr>
<tr>
<td>6. If answer to 5 is YES</td>
<td></td>
</tr>
<tr>
<td>Are you going to obtain consent from the Contributor for permission to access</td>
<td></td>
</tr>
<tr>
<td>their medical records?</td>
<td></td>
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<td></td>
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<tr>
<td><strong>7.</strong> Are you going to contact the Contributor’s doctor?</td>
<td></td>
</tr>
<tr>
<td><strong>8.</strong> Will you be contacting social workers, police, care worker, or any other authority relating to the Contributor/s?</td>
<td></td>
</tr>
<tr>
<td><strong>9.</strong> Is a DBS/Disclosure Scotland check being carried out?</td>
<td></td>
</tr>
<tr>
<td>Please note as a matter of policy Sky requires these types of checks to be carried out on all confirmed (i.e. once they have been cast) Contributors for all Entertainment and Fact Ent programmes. For Factual programmes this should be considered on a case by case basis depending on the nature of the programme and the Contributors involved. Please discuss with Compliance.</td>
<td></td>
</tr>
<tr>
<td><strong>10.</strong> Will the Contributor be asked to provide any one or more of the following, as additional checks:</td>
<td></td>
</tr>
<tr>
<td>– employer’s reference</td>
<td></td>
</tr>
<tr>
<td>– proof of identity</td>
<td></td>
</tr>
<tr>
<td>– proof of address</td>
<td></td>
</tr>
<tr>
<td><strong>11.</strong> Will any of the following checks be carried out? Please explain the reasons for your answer.</td>
<td></td>
</tr>
<tr>
<td>– Google search</td>
<td></td>
</tr>
<tr>
<td>– Lexus Nexus</td>
<td></td>
</tr>
<tr>
<td>– Facebook/Twitter/other social network</td>
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<tr>
<td>– Dating websites</td>
<td></td>
</tr>
<tr>
<td>– Bankruptcy search</td>
<td></td>
</tr>
<tr>
<td><strong>12.</strong> Will a psychiatrist be required to be on call?</td>
<td></td>
</tr>
<tr>
<td>– during production i.e. pre-production checks and assessments.</td>
<td></td>
</tr>
<tr>
<td>– present at the filming</td>
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</tbody>
</table>
13. Are children included in the programme?

14. If the answer is YES to 13, please consider the following
   - DBS/Disclosure Scotland checks required for Parents and other Contributors as well as production personnel?
   - Are the child's parents still married?
   - If answer is NO then does the parent that is signing the release on behalf of the child have sole custody?
   - Will sign-off also be obtained in any event from the parent that does not have custody?
   - Is a licence required from the local authority for the child's performance/contribution?
   - Is permission required from the child's school for the filming?
   - Will contact be made with Social Services regarding the child?
     - If it is should it be before, during or after filming?
   - If the child is aged between 14 – 18 years will they sign their own consent form in addition to the form signed by the parent?

15. Is any undercover filming proposed?

16. If the answer to 15 is YES – Sky's undercover filming policy needs to be followed. Please contact Compliance for details.

17. Will any follow-up Contributor checks be carried out post TX or pre TX if TX is delayed?

18. If the answer to 17 is YES how often will the checks be made and who will be responsible for these?

19. Anything else pertinent to the production that needs to be considered?
<table>
<thead>
<tr>
<th>DATA PROTECTION</th>
<th>Required:</th>
</tr>
</thead>
</table>
| **20.** What Data will you be collecting from Contributors?  
   Eg – Name, address, age, contact details, anything else that could be of a sensitive nature? | |
| **21.** How will this Data be collected, handled/stored, and what security measures will you have in place?  
   Eg – will the data be stored on Encrypted drives, who will be responsible for any information that is in paper form etc | |
| **22.** Who will have overall responsibility for storing the Data collected? | |
| **23.** Who will have access to the Data? | |
| **24.** Contributors must be made aware of why their Data is being collected, and what it will be used for? | Mandatory |
| **25.** How long will Contributor Information be stored for? | |
| **26.** What is your Escalation Policy and Complaints procedure? | |
Sky Social Media Guidelines for Contributors (February 2018)

Social chatter around TV shows is inevitable and for the most part, positive. However, contributors are advised that people have a tendency to publish things online that are often insensitive, cruel and at times even criminal. This set of guidelines should help you to protect yourself. Please read them carefully, and consider whether you wish to engage with social media during the transmission period of your show. We have also provided a guide to privacy settings on the main social networks. If you’d like help with this, please contact your production company.

General Advice

• Conversation and chatter will be at its peak during the broadcast of any series, so be mindful that engaging with social media at this time will likely open you up to scrutiny. While we don’t want to deter you from engaging, we want to ensure you’re prepared for both the benefits and the pitfalls.

• If you do engage, only interact with positive comments. If the situation turns negative, don’t engage any further in the conversation. Report it to your contact at the production company, who can then escalate to Sky, who may be able to offer advice and support.

• It’s simply not possible to win an argument on the internet. Don’t engage with negative or abusive comments, no matter how personal or upsetting they may be. If you feel victimised, bullied or think a criminal offence may have been committed, contact your production company, who can then escalate to Sky.

• All major social networks provide ‘block’ and ‘report’ facilities, which you should use to filter out abusive messages.

• If you’re subject to online abuse, take screenshots of the messages and send them to your contact at the production company, who can then escalate to Sky.

• If an imminent threat has been made to your personal safety, take a screenshot of the message and notify both the police and the production company, who can escalate to Sky. Do not engage with the poster of the message.

It’s important to note that while Sky can offer advice, guidance and support, each individual is ultimately responsible for their own conduct on social media.
Introduction

There may be some online activity around the TV series when it goes out - although we expect and hope this coverage to be really positive we can't guarantee this will be the case every time.

We don't think it's a good idea to engage in online chat about the series with people, especially those you do not know. It is also very important that you make sure all your social networking privacy settings are secure.

Here are a few guidelines and helpful tips we have put together for you to make your profiles and settings private:

1. Introduction
2. Facebook
3. Twitter
4. YouTube
5. Instagram
6. Snapchat
7. Final Comments
Facebook
When using Facebook, review your privacy settings so only people you know and trust can see the more private information about your life.

To access privacy settings, click on the help icon at the top of the screen.

Facebook has its own privacy review tool called Privacy Checkup to help you ensure you only interact with people you know and trust.
Click on the Privacy Check-Up option in the menu to begin.
Section 1 helps you make sure you are sharing with the right people.

Click on the drop-down menu to select who you want to be able to see your posts.

Selecting 'Friends' will ensure that only people you know & trust will be able to see what you post.

Once you've clicked 'post' & successfully changed your settings, you'll see this message.

You'll see messages like this for all successfully completed sections within the Privacy Checkup tool.

Great! Your future posts will be shared with the audience you have selected until you change it again. You can change this whenever you post, or on your Privacy Settings page.
Section 2 helps you manage individual sections of your profile.

Use the drop down menus to alter who is able to view your key pieces of personal information.
Section 3 helps you manage the apps you’ve logged into with Facebook. You can edit who sees each app, any future post it makes for you, or delete apps you no longer use.

Delete an app by clicking the X icon.
Manage who is able to see your apps by clicking on the drop down menu.
The privacy shortcuts menu also contains options designed to help maintain your privacy.

- **Who can see my stuff?**
  - Click on the 'Who can see my stuff' option to manage who is able to see what you post.

- **Who can see my future posts?**
  - Decide who is able to see what you post by using the drop down menu.

- **Where do I review who can see or find things I've posted or been tagged in?**
  - Review what you've posted or find posts you've been tagged in by using the activity log.

- **What do other people see on my timeline?**
  - Clicking 'View As' allows you see your timeline as others see it.
Click on the ‘Who can contact me?’ option to help manage who you want to receive friend requests from.

Use the drop-down menu to select who will be able to send you a friend request.

Add the name or email address of a user you wish to block here.

View a list of users you have blocked here.

Click on the ‘How do I stop someone from bothering me?’ option and add the name of any troublesome user to block them. This will prevent them from interacting with you or seeing anything you post.

Existing friends will also be unfriended when adding their name to the blocked list.
Facebook also offers the option to block people from messaging you. If you want to prevent someone from messaging you directly, launch the privacy shortcuts menu and click 'See More Settings'.

Enter the name of the person you wish to block in the box provided. Blocking somebody from messaging you however, is not the same as blocking a user's profile & they will still be able to post on your timeline, tag you, and comment on your posts or comments.

Block messages

If you block messages and video calls from someone here, they won't be able to contact you in the Messenger app either. Unless you block someone's profile, they may still be able to post on your Timeline, tag you, and comment on your posts or comments. Learn more.
If you are using the Facebook app on a mobile device or tablet, privacy settings can be accessed by clicking More, then Privacy Shortcuts.

### Privacy shortcuts

- **Privacy check-up**
- **Who can see my profile information?**
  - Who can see my stuff?
  - Who can see your future posts?
    - Friends
  - Where do I review who can see things that I've posted or been tagged in?
    - Use Activity Log
- **Who can contact me?**
- **Who can send you friend requests?**
  - Everyone
- **How do I stop someone from bothering me?**
- **Add to blocked list**
  - You've blocked 6 people
Think Twice: Consider all your comments twice before posting, you don’t want to regret saying things later. If someone has written something you find hurtful or irritating take time to think through your response, do you really need to respond at all? You could start an argument that might have been avoided. Consider anything you write to be permanent because it’s out there even if you’ve deleted it. Avoid saying anything you wouldn’t say face to face.

Getting help: If you are a young person and are unsure how to respond to a situation or have any questions about what you should do, consult with a parent or teacher. The website internetmatters.org is a good source of information and advice on how to stay safe online. The most efficient way to report abuse on Facebook is using the ‘Report’ link near the post, profile or page. Reports are confidential.

Block and ignore: You can block someone on Facebook if you find their comments offensive. When you block someone, it breaks all ties you have with them. The two of you will no longer be able to see each other’s profiles or find each other in search results. People will not be notified when you block them so don’t be concerned they will see.

Direct Messaging: If someone does message you, bear in mind that while the message may be private, they can use any response you give, copy and paste it, and make it public. We would recommend that you don’t get involved in direct messages about the series.
Twitter

We request that you don’t tweet about the series. Here’s how to keep your tweets private:

1. To access Account and Privacy settings by clicking on the avatar icon in the top right hand corner

2. This launches a drop down menu.
   Click ‘Settings and privacy’ to continue

3. Once the ‘Settings’ menu has launched, click on ‘Privacy and Safety’ to view your current settings
Twitter

Selecting 'Protect my Tweets' will ensure only your approved followers will be able to view, search, retweet, or quote your Tweets.

Those wishing to follow you will also have to obtain your approval to do so.

Leaving 'Add a location to my Tweets' unselected will ensure your location information is not displayed when you Tweet.

Decide who is able to tag you in photos here.

Manage your discoverability settings here.

Privacy

Tweet privacy
- Protect your Tweets
  If selected, only those you approve will receive your Tweets. Your future Tweets will not be available publicly. Tweets posted previously may still be publicly visible in some places. Learn more.

Tweet location
- Tweet with a location
  If selected, you can add a location to your Tweets, such as your city or precise location, from the web and via third-party applications. This setting does not affect Twitter for iOS or Android. Learn more.

Delete location information
  This will delete location labels you have added to your Tweets. This may take up to 30 minutes.

Photo tagging
- Allow anyone to tag you in photos
- Only allow people you follow to tag you in photos
- Do not allow anyone to tag you in photos

Discoverability
- Let others find you by your email address
- Let others find you by your phone number
  This setting will take effect once you add a phone number. Add now. Learn more about how this data is used to connect you with people.

Address book
- Manage your contacts
  Contacts you’ve uploaded to Twitter from your address book.

Personalization and Data
- Allow some Edit
  Control how Twitter personalizes content and collects and shares certain data.
Twitter

- Selecting this option ensures only people you follow are able to add you to their team.

- Leaving the 'Receive Direct Messages from anyone' option unselected ensures you can only receive direct messages from Twitter users you follow.

- In Safety, at the bottom of the same section, you can review the types of content that appear in your feed. Select 'Hide sensitive content' to avoid anything that might be seen as harmful appearing in your feed.
Twitter

If you need to block a user, you can do so by first clicking on the more option (signified by the down arrowhead) at the top of any of their Tweets. Then select “Block” from the drop down list.

You can also report a Tweet or user from this drop down too.

The menu on the right will then appear and you can select the reason why the Tweet is inappropriate and report it to Twitter for violating their rules of conduct.
If you are using the Twitter app on a mobile device or tablet, you can access Security and Privacy settings by first clicking on your avatar on the left-hand side. Then click on 'Settings and Privacy'.
To access privacy preferences in YouTube, begin by clicking on your avatar in the top right hand corner.

Click on the 'Settings' icon from the pop-up menu to launch 'Account Settings' menu.

Select 'Privacy' from the 'Account Settings' menu to access privacy preferences.
Instagram

You can access Instagram’s Privacy Policy here: https://help.instagram.com/155833707900388

Instagram security and privacy settings are best accessed from the app via your profile page. Click the three vertical dots in the top right corner to access the Options menu.

From here you can alter all your settings including your profile privacy. If you set your profile to Private, people who wish to see your photos/profile will need to request to follow you. Only those you approve requests from will see your images. If this is switched off, your images can be viewed by anyone.

You can also access the help centre and privacy policy from this menu too.
1. For information on staying safe whilst using Snapchat, click here to display the options menu.

2. Select ‘Safety Center’ for all relevant security and privacy information.

3. You can also view the Privacy Centre here.
8. Final Comments

IF YOUR QUERY ISN’T ANSWERED HERE THEN PLEASE CONTACT A MEMBER OF THE SKY COMPLIANCE OR ONLINE TEAMS FOR HELP.

However, if you think you are in imminent danger or an emergency when using social media or otherwise then the police are the only authority who can investigate crime so you are advised to contact your local police straight away.

Finally....

Different people will have a different level and tolerance for, and what they consider to be, abuse. We advise that you always try to avoid entering into a negative conversation about your appearance in the programme, especially with adults but also with younger people and children.
Examples of Best Practice - Child Performance and Activities Licensing by Local Authorities in England

February 2015

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1. Introduction
1.1 About this document

This document sets out examples of best practice for safeguarding children when they take part in all performances (professional or amateur), and in paid sport or paid modelling (in the rest of this document, paid sport and paid modelling are referred to as ‘activities’). It also sets out examples of best practice in relation to the granting of licences by local authorities in England for children taking part in performances or activities within Great Britain, where such licences are required.

This best practice has been developed by a group of representatives from local authorities; the UK film and broadcasting industry; regulators; professional and amateur theatre; music and dance sectors; casting agencies; and the modelling and advertising industry. The group was convened and the work facilitated by officials from the Department for Education.

These interests have worked together, volunteering their time and expertise, to produce these examples of best practice. It is hoped that these examples will be added to, so that lessons and tips that improve the experience and opportunities for children can be shared and adopted. If you have examples of best practice you would like to suggest please send them to: http://www.nncee.org.uk/contacts/nncee-enquiries

This document will be reviewed. Additions will be made where they are agreed by the group.

1.2 Who is this for?

This document is aimed at:
• all those who work with child performers or with children paid to take part in sport or modelling,
  or who plan to work with such children;
• local authorities with responsibility for keeping children safe;
• chaperones, i.e. people who supervise children taking part in these activities;
• schools; and
• sports, music, dance and drama groups.

1.3 What does this document do?

We hope this document will improve consistency in local approaches to licensing and make it easier to apply for licences. A consistent approach is important so that children are not disadvantaged by different approaches taken in different local areas. Children should be able to take up opportunities on an equal basis wherever they live, and should not be prevented from doing so by unnecessary bureaucracy. Our shared ambition is to shift the focus of effort and hard-pressed resources away from bureaucracy and onto the measures that help to protect children.

1.4 Related documents


1.5 Ofcom
Television and radio broadcasters are subject to an independent statutory regulator, Ofcom. Broadcasters are required to comply with rules set out in the Ofcom Broadcasting Code. This includes rules to protect children who participate in programmes. The rules apply irrespective of whether a licence is required for their participation. Ofcom has also published extensive guidance for broadcasters about the application of these rules and details of precedent cases. You can find information about the Ofcom Broadcasting Code at: [http://stakeholders.ofcom.org.uk/broadcasting/broadcastcodes/broadcast-code/](http://stakeholders.ofcom.org.uk/broadcasting/broadcastcodes/broadcast-code/) and guidance at: [http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section1.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section1.pdf) (pages 11-14). Any broadcaster or local authority with queries about the application of the rules or guidance should contact Ofcom by emailing OfcomStandardsTeam@ofcom.org.uk

2. Licensing requirement

2.1. The purpose of licensing

Those who involve children in performances (professional or amateur), or paid sport or modelling, have a legal obligation to apply for a child performance or activities licence when one is required. The licensing system is designed to provide a check that suitable and sufficient arrangements have been made to safeguard the child involved. Forms are needed to exchange information, to clarify the risks to the child and the actions to mitigate them, and to evidence child and parental consent. We cannot eliminate the paperwork, and local authorities need to have an audit trail for the decisions they make. The most important aspect of the licensing system, however, is the consideration of the child’s well-being and the steps taken to ensure it. The licensing process is a safeguarding measure and should not be viewed only as a paper exercise.

**Licensing authority best practice**

Sometimes the best way for a local authority to establish whether the arrangements to protect the child are suitable is to pick up the telephone and have a quick discussion with the responsible person. This is quicker and more efficient than written correspondence, as further clarification about what the child is being asked to do and what steps are being taken to mitigate risks can be provided.

2.2 When licences are required

Child performance legislation[^1] sets out when a licence is required. This is supplemented by advice produced by the Department for Education which aims to aid understanding of the legal provisions[^2]. If a responsible person remains unclear as to whether a child needs a licence, they should ask the child’s home local authority[^3]. It is for the local authority to determine, in each case, whether the performance or activity requires a licence. The table below provides some examples of the sorts of performance or activity that may require a licence, for illustrative purposes – but this must not be regarded as an authoritative statement:


[^3]: Or, if the child is not resident in Great Britain, the local authority where the applicant resides or has their place of business.
<table>
<thead>
<tr>
<th>A licence may be required for</th>
<th>A licence may not be required for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performances that meet the criteria in section 37(2) of the 1963 Act. These can include: acting; singing; dancing; playing in an orchestra; stand-up comedy; magic act; and any production where the activity is contrived or constructed for dramatic effect.</td>
<td>Observational documentaries where a child is filmed carrying out normal day to day activities for example playing in the street, participating in an ordinary lesson, training for their sport.</td>
</tr>
<tr>
<td>So-called ‘reality’ television where the activity in which the child participates is manipulated/controlled or directed for the purpose of the entertainment.</td>
<td>Elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentary provided the child is filmed being themselves without direction. (See case study below).</td>
</tr>
<tr>
<td>Presenting or compering (where this has an element of contrived performance).</td>
<td>Daily news reporting, news reports (including investigations in the public interest, for e.g. testing if shops sell goods to a child underage)</td>
</tr>
<tr>
<td>Entertaining or performing where the performance meets any of the criteria under section 37(2) of the Act) e.g. for a paying audience, on licensed premises, a recording for broadcast or public exhibition.</td>
<td>Being interviewed as a member of the public; Self-generated content, e.g. a child records themselves and puts that on the internet; Castings and auditions that are not recorded for public exhibition; Being part of an audience (watching a show either in a studio, theatre or stadium)</td>
</tr>
<tr>
<td>Dancing at a community dance festival or performance that meets any of the criteria set out under section 37(2) of the Act.</td>
<td>Dance workshops held on the same day of the performance at a different venue</td>
</tr>
<tr>
<td>Photo-shoots and modelling where the child (or someone else in respect of the child’s taking part) receives payment.</td>
<td>Photo-shoots and modelling where no payment is made in respect of the child’s participation.</td>
</tr>
<tr>
<td>Taking part in a sport where the child (or someone else in respect of the child’s taking part) receives payment, other than expenses.</td>
<td>Being a ball boy or girls.</td>
</tr>
</tbody>
</table>

4 Broadcasters must comply with rules in the Ofcom Broadcasting Code on the participation of children in programmes, irrespective of whether a licence is required.

5 Practical dance sessions led by a dance teacher or artist. They may explore an idea or practice some dance movement; they introduce the participants to different dance styles or techniques; and encourage interaction between participants from different schools or groups.

6 If they were actually playing football or tennis and payment other than expenses was made then they could well fall within the remit of the child performance legislation. But they are not playing and therefore we do not think they could be said to be taking part in a performance or a paid sport.
**Best practice case study of a part directed performance and part observational documentary programme**

A production company was filming a programme that was observational in nature but had constructed elements, in that a number of aspects were organised and the children would, in some cases, be directed.

The programme was about children who want to learn a new sport. The production company arranged for well-known Olympic athletes to help the children improve their technique, learn about the rules and become better skilled at their sport of choice over the summer holidays. They also went to a sport boot camp for one week. At the end the children took part in a sporting competition to see how well they had improved and whether they would like to continue with the sport. Although the majority of the filming was observing the children being themselves, certain elements were directed and controlled by the production company and these elements therefore required a licence and were subject to the licence restrictions with regard to hours of performance and requirements for breaks.

The production company, with the support of the relevant local authorities, identified all the aspects where the children would require a licence because they were directed, and agreed which aspects should be deemed as a performance requiring a licence. A schedule was drawn up, as the framework for the hours the children can perform and the breaks they needed to have would apply to the licensable activity. Filming the children in their homes, practising the sport at the boot camp, and going on a trip to see a football game involved the children being themselves and not being directed for the purpose of entertainment. The local authorities agreed that these elements did not need a performance licence and need not be subject to the limits and restrictions that would apply to the licensable activity.

Even so, the production company made arrangements for chaperones and for tuition to be provided throughout the period of the programme. It worked with the local authority on all aspects of the programme including the boot camp and the visit to a football match to ensure that, even though these aspects were not under the auspices of a licence, arrangements were in place throughout to ensure the children were supervised, looked after and safeguarded at all times.

There are also some exemptions from the need for a licence – these are set out in the Legislation and further explained in the Department for Education advice. This document provides best practice examples at section 4 in relation to Body of Persons Approvals, which are available as an exemption to the licensing requirement. Wider use could be made of this exemption to reduce costs and unnecessary bureaucracy, without reducing important protections for children. This document does not, however, encourage producers and organisers of performances to rely on the ‘four day rule’ exemption as it can be difficult for practitioners to confirm that they can rely on it.

**Best practice for a responsible person if they do rely on the 4 day rule**

Make sure that you do have **reasonable grounds** to believe that the child has not performed on more than three days in the last 6 months and therefore qualifies for this exemption. Best practice is to have this confirmed by the child’s parent in writing.
2.3 Rehearsals

**Best practice for producers**
If a child is to take part in a physical performance such as a dance, it is best practice to ensure they have a proper warm up.

2.4 Auditions

It is unlikely that a licence will be required for castings or auditions that are part of a selection process to determine whether a child will be given a part or a role in a performance, or engaged in an activity. This applies even if the child is reading or acting as part of the audition, and it can also apply when the auditions are filmed (unless this is recorded with the intention it being included in a programme to be broadcast on television – see section 1 of the Department for Education advice).

Section 37(3) of the 1963 Act
A licence is likely to be required when the audition is planned and directed and otherwise meets the criteria for a performance that needs licensing, but every case should be addressed on its own merits.

In either case, the responsible person should consider what arrangements should be made to ensure the welfare of the child or children. For example, are there suitable toilets and separate changing facilities? Are refreshments available whilst the child is waiting to audition? Should there be chaperones to supervise the child or children?

**Best practice for producers** is to ensure that, even if the performance is not licensed, no child is ever alone with an adult who is not their parent, carer or chaperone, at an audition or rehearsals, whether that person is the director, production manager, singing or dancing coach, or other performer or artist. It is best practice that a parent, chaperone or independent third party is on hand at all times.

1. Licensing process

3.1 Who should apply for a licence?

The responsible person must apply for the licence. Examples of a responsible person would include the producer of a performance or the person responsible for organising an activity or, in either case, the person to whom this responsibility has been delegated. Licence applications should not be signed by a child’s agent.

**Best practice for the responsible person**
If the responsible person leaves the organisation, the new responsible person should notify the relevant local authorities and replace the signature on the licence.

The responsible person must submit a licence application form to the child’s home local authority, allowing sufficient time for the local authority to consider and process it. A local authority may refuse to grant the licence if the application is not received at least 21 days before the day on which the first performance/activity is to take place.

However, local authorities can use their discretion in relation to timing and consider each application according to the circumstances. For example, these days, many broadcast programmes are made quite...
quickly with production team members often joining only a couple of weeks before shooting begins. Although forward planning is encouraged, and principals will be cast sometime in advance, final casting for smaller parts may be less than 21 days before the performance or activity takes place. This is particularly true of commercials where production companies often work quite close to the intended date of performance.

On occasions, there may be mitigating circumstances which justify a licence being granted at short notice, for example to replace a child that might have fallen ill or broken a limb or whose voice has broken. Consideration should be given to the granting of a licence quickly in circumstances where the production would be in jeopardy should a replacement for the child in question not be licensed in time. Whilst this consideration should be given, the local authority will need to seek assurances and request the relevant information to make a proper assessment on which to base their decision. The education, health, safety and wellbeing of the child in question, is paramount.

Communication between the local authority and the responsible person is key and the earlier in the process that this takes place, the better. This will enable local authorities, for example, to plan and prioritise workload accordingly, but will also give the responsible person time to respond to any requirements or conditions required by the local authority rather than having to make changes at the last minute.

8 If the child is not resident in Great Britain then the application should be made to the local authority where the responsible person resides or has his/her place of business.

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**Best practice example (from a broadcaster engaging a blind child performer)**

The production wanted a boy who was blind to take part in a series. The responsible person contacted the licensing authority at an early stage to discuss what arrangements might be needed to support the child in the performance and ensure his wellbeing. The licensing officer discussed the child’s needs with his school. A chaperone with experience of working with blind children was approved to supervise the child at all times during the production. The chaperone and the production team worked together to ensure the child could be walked round the set after each camera change, whilst minimising the potential for disruption to the filming. The child really enjoyed the experience of taking part.

---

**Best practice example (from a TV production company)**

We wanted to film with a baby who was less than 10 days old. We contacted the licensing authority to ask how to go about it and provided them with all the child’s details, including health visitor information and information about the film. The authority was able to contact the health visitor who confirmed there was no reason for the baby not to be involved. However, the baby had been born by Caesarean section and Mum was due to chaperone. The necessary arrangements for a Mum and a very young baby on set were discussed. We arranged for medical staff to be present on set, limited the times for filming and provided Mum and baby with suitable transport to and from the filming.
**Best practice by a licensing authority where a child frequently performs/takes part in activities** is to hold the details of the child, as provided by the parent, together with a copy of the birth certificate and photographs for a period of 6 - 12 months. This will speed up the issue of a licence when the application is received from the responsible person.

This approach can also be adapted for venues and premises, so that the licensing authority can retain records from inspections etc.

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**Best practice for licensing authorities is to:**

- adopt the standard model application form (see Annex) and not impose any additional requirements for the application;
- accept applications submitted by email;
- accept scanned documents and jpeg files for photographs, rather than hard copies or originals;
- allow applications to be made on-line; and
- consider whether there are options for streamlining the ‘front end’ of the process across a number of local authority areas, to simplify the administration for applicants and for authorities.

Licensing authorities need to know what a child is being asked to do in order to make an informed decision. In order to ensure appropriate safeguards are in place, it is relevant to know, for example, whether a child will be working with animals, exposed to scenes of a sexual or violent nature, or asked to ride a bicycle on a road.

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**Best practice example of a licensing authority querying what the child is being asked to do:**

For example, a licensing authority received an application for a child to "play the son of a family" in a TV commercial for a holiday park. No further information was included. A decision could not be taken based on this information. When the licensing authority enquired about what the child would be expected to do they were informed that he would be swimming, riding on a speed boat, kayaking and taking part in archery classes. They needed to understand what actions would be taken to ensure the safety and wellbeing of the child in these activities.

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**Best practice for film and television producers** is to consider and use techniques to protect children on set. The final edit of a programme may not show what actually happens. So, for example, when a child is shown watching a fight, it is normal for the shot of the child to be filmed separately from the fight. The whole scene, when the two are edited together, will give the impression that the child was there. It is best practice to outline such techniques to the local authority when making an application. It could speed up the issuing process.

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**Best practice example (from a theatre)**

In the play, the children are murdered. One child appears to be stabbed and the other appears to be decapitated. In this case the scene was done in strobe lighting in a sequence lasting a few seconds – it looked quite gory. The sequence was rehearsed in full light and the inspecting local authorities were invited into the theatre to watch the performance. The scene was explained to the parents at the outset.
3.4 Risk assessments

**Best practice for the responsible person** is to conduct a risk assessment and attach it to the application form. This should identify any physical or psychological risks to the child that might arise from what they are being asked to do and the environment in which they will do it. It should set out proposed actions to be taken to remove or mitigate any significant risks identified. Although it might not always be possible to provide detailed risk assessments containing all relevant information at the time the application is submitted, all the available information should be provided.

In assessing risks, the responsible person should take account of all factors that could affect the child’s wellbeing, including those that may arise after the child has taken part in the performance or activity but as a consequence of it. Children and young people differ in their vulnerabilities and resilience: their age; gender; physical and mental capacity; maturity; cultural, ethnic and religious background; and their previous life experiences can all affect how they might respond to the specific circumstances and nature of a performance and should be considered when assessing risks.

Risk assessments should also identify the likely hazards that might crop up to help ensure they are adequately controlled, but should also include other information such as:

- general information such as site arrangements, welfare facilities, chaperone arrangements and first aid;
- general site information on slips, trips and falls, scenery movement and other performers;
- production specific information (this may not always be known when first making the assessment).

**Where it is too soon for a full risk assessment to be conducted, it is best practice** for the responsible person to provide as much information to the licensing authority as possible and explain the reasons why not all the information has been provided and provide an expected timeframe. The licensing authority should satisfy itself in respect of all other aspects of the application and, once they have done so, if at that stage the full risk assessment is still not available, might decide to issue the licence subject to an appropriate condition, for example that the risk assessment is provided prior to the first performance. If the condition is not complied with, then the local authority has the ability to revoke the licence.

3.5 Artistic and editorial freedom

**Best practice for licensing authorities** is to assess an application on the basis of the measures that have been put in place to mitigate risks to children and to ensure their safety and wellbeing, and that their education does not suffer. Whilst licensing authorities are entitled to ask for any information that they feel is necessary to make an informed decision about whether to issue a licence, it is not practical and should not be required to see a script to make that decision. Indeed, the script might not reflect what the child is asked to do due to the nature of filming and editing and use of best practice in filming and staging techniques. It should be noted that it is often not appropriate for a producer to share a script due to the confidential and commercially sensitive nature of the content. They are carefully protected and subject to restricted circulation.
3.6 Licensing decision and conditions

The local authority, to which an application has been made, will decide whether to grant a licence or not.

The licence may also state any conditions that the local authority decides are necessary. For example, they may want assurance that the language, costumes and actions taking place on set (when the child is actually present) are child appropriate, or that suitable measures are taken to safeguard the child where inappropriate language, costumes or actions are a necessary part of the production. They may also want assurances that the child has adequate shelter, suitable clothing and refreshments when performing or taking part in an activity outdoors (both in hot and cold weather).

2. Body of Persons Approvals (BOPAs)

4.1 What is a BOPA?

Individual licences are not required for all performances in every circumstance. A BOPA approves an organisation, for a specific performance or for a limited period of time as set out in the approval, to put on performances involving children without requiring those children to be licensed. A BOPA cannot be given for a child to take part in an activity.

A BOPA is granted to the organisation putting on the performance not to the child and is for the organisation named in the BOPA only. It is not transferable to other organisations or individual children taking part in performances organised by someone else.

4.2 Who can apply for a BOPA?

A BOPA can only be issued where no payment is made to the child or anyone else in respect of the child taking part in the performance (except expenses). If a child (or someone on their behalf) is being paid to take part in a performance (other than expenses), a licence is required.

A BOPA cannot be issued for a child to take part in an activity, or for a child to travel abroad to perform for the purpose of profit.

A BOPA may be granted when it is clear and expected that the child would not normally be paid for performing, for example to take part in a charity fundraising event or where children traditionally are not paid as taking part is considered of wider benefit to their personal development or career progression.

However, if a child was taking part in a performance where it would normally be expected that they be paid, the local authority may take the view that a BOPA was not appropriate.

There are no other restrictions set out in legislation about the circumstances in which a BOPA can be issued. They can be a good option for amateur groups who otherwise might find the licensing process onerous and costly – to the extent that children may be deprived of good opportunities. They may also be appropriate for other types of
organisation: the key requirement is that the child is not paid (and wouldn’t normally be expected to) and, of course, that the organisation can demonstrate that it has robust and effective systems in place to protect children during rehearsals and performances. These case studies illustrate the potential benefits of a BOPA approach:

### Youth Dance England

At the start of planning for our annual national dance event involving over 250 young people, we contacted the local authority for the city in which the performance was taking place. The local authority agreed to issue a BOPA based on their assessment of our child protection procedures, that the event was taking place in the school holidays and that the performers were not being paid. For a one off event of this nature this made planning for the event much easier and removed obstacles which had put dance groups off from attending on previous occasions.

### National Children’s Orchestra

Licensing via a BOPA can significantly reduce the administrative burden for amateur organisations, as it is the organisation rather than individual, which is licensed. Thus for a children’s choir, for example, which may have a very large number of members, and where the members are not paid for performing, having a BOPA removes the need to repeatedly approach individual parents on each occasion the choir perform to gather information for an individual licence. In addition it gives the organisation more flexibility as to which engagements they accept, enabling the choir to respond positively to performance requests which might be made at short notice, and which might provide the children with unique and exciting opportunities. Choir parents are often reluctant to make a firm commitment that their child will definitely participate in an event several weeks in advance. Not needing to licence each and every child means that children can elect to join in performances late in the day, if their homework load or other commitments allow, and thus more children are able to take advantage of the performing opportunities the choir offers them. If names of children performing had to be given to the local authority when the BOPA was applied for, this would reduce the flexibility of the choir to adjust the vocal mix, make it impossible to replace children who drop out, and would exclude children from the many families where making commitments several weeks in advance is difficult. Of course, having a BOPA does not remove the responsibility of the organisation to protect the wellbeing of their members and this includes being mindful of the number of performances any one child is involved in.

### A professional production company

Currently this company applies for individual child performance licences. They apply to each child’s home local authority and notify the local authority where the child is to perform.

In this case the programme is a televised dance competition involving the participation of hundreds of amateur performers, some of whom are of compulsory school age. The contestants are not paid: this is a competition.

The competition is comprised of various stages, as follows:

**Stage One:** The production holds open auditions that are not filmed or broadcast. In the most recent series, over 500 children auditioned.
Stage Two: Successful contestants move forward to a second audition that is filmed for broadcast. In a recent series, filming took place over six days in one location, with 314 children appearing across the week. Individual auditions would last around 90 seconds.

Stage Three: Successful contestants move forward to the semi-final stages of the programme. These are filmed live at a large television studio and/or concert venue. Further, additional filming will be carried out in the child’s local borough, for the purposes of VTs and backstories.

Stage Four: A public vote determines which contestants will take part in the final stage of the programme. This programme is filmed live, at a large television studio and/or concert venue.

The production company has extensive experience of working with children, and has a comprehensive and regularly reviewed and updated child protection policy in place. The production team are required to attend meetings with professional organisations such as CATS (Chaperone and Tutor Service), where protection procedures and legal requirements are explained, in addition to follow up meetings where required. The company also operates an “open door policy” for crew members who are unsure of anything, so that they can talk to experts.

DBS checks are carried out on all members of the production team, with enhanced checks carried out on around six members of the team. In the most recent series of the programme, three members of the production team applied for and were awarded a local authority chaperone approval. They operate a policy of a maximum of six children per chaperone.

Seeking individual licences for each child from their home local authority is resource intensive. The time spent filling in applications and liaising with different authorities (who may have different approaches) could be more effectively spent on developing and building on the good practice that works to keep children safe.

4.3 How to apply for a BOPA?

BOPAs should be issued by the local authority where the performance is taking place. In certain circumstances the performance will take place in several authorities, in which case the organisation will have to apply to each local authority.

It is best practice for local authorities to liaise with each other about BOPA applications from the same organisation, and adopt a similar approach in assessing and responding to those applications.

A BOPA can also be issued by the Secretary of State. Applications will, however, only be considered by the Department for Education in exceptional circumstances, such as when an organisation is putting on performances in a large number of areas, involving hundreds or thousands of children.

It is best practice for organisations to make BOPA applications to local authorities. This is because they are better placed than central government to assess the arrangements that the organisation has in place to safeguard children taking part in performances in their local area.

Some information may not be available to the organisation at the time of the application – for example the number of children, their names and ages might not be known at an open mic event.
There is no requirement, for the purposes of a BOPA, for local authority approved chaperone’s to be appointed to supervise the children. The organisation may have its own staff and arrangements for supervising and protecting children. The important point is that suitable arrangements are made to ensure children are supervised at all times, and that the organisation has policies and procedures in place to ensure their safety and wellbeing.

**Best practice for BOPA applicants** is to provide the information that they have readily available, and explain why it is limited, and at what point it may be available. It is better to apply well in advance of a performance as the local authority needs a reasonable amount of time to assess any application – and may need more information or action to be taken before they will grant a BOPA. Where the information cannot be provided in advance (e.g. an open mic event) the licensing authority can issue a BOPA on the condition that the information be provided when available, even if that is after the event.

**4.4 BOPA decisions**

The decision about whether to issue a BOPA is at the discretion of the local authority. The local authority can place conditions on any approval as they see fit for ensuring the wellbeing of children, for example in relation to the travel arrangements and to the hours a child can perform and the breaks they must have (whilst the framework for licensed performances does not automatically apply, a local authority might consider whether it is appropriate to place similar conditions on a BOPA).

**Best practice for the organisation when a BOPA is granted** is to inform the child’s home local authority that the child is taking/or has taken part in a performance. This will enable the home local authority to understand the number of performances a child takes part in, as this has implications for whether that child may require a licence for any future performance.

**Best practice for licensing authorities**

If a BOPA is not granted, it is best practice for the local authority to write and give reason why the BOPA has not been approved.

The local authority may place a condition on the BOPA that the responsible person will allow the licensing authority to inspect the place of performance on request. The organisation should keep a copy of the BOPA at the place of performance together with any licences that may have been issued independently.

A BOPA can and should be revoked if the local authority has reason for concern about the safety and wellbeing of the children involved in the performance.

**3. Chaperones**

**5.1 Requirement for chaperones**

A child taking part in a performance or an activity under a licence, or a rehearsal during the licensing period, must be supervised at all times during the performance, activity or rehearsal by a chaperone that has been approved by the licensing authority, unless they are under the direct supervision of their parent, or a person who has parental...
responsibility for the child, or their teacher. This also applies where the child is living elsewhere than they would normally live during the period in which the licence applies. This is to ensure that, at all times, a suitable person is responsible for the child’s welfare and it is clear who that person is. For example, this means that if a child is taken to a photo-shoot by a grandparent and they stay with the child for the duration, a chaperone will also need to be present, unless the grandparent has parental responsibility.

5.2 Responsibilities of chaperones

Chaperones are an integral part of any production team or the organisation of any activity involving children. A check list of ‘do’s and don’ts’ for chaperones is provided at Annex 1.

On occasions chaperones may be involved in projects from their inception, to ensure that the welfare of the child is considered from the planning stage onwards.

As defined in section 3(1) of the Children Act 1989, ‘parental responsibility’ means all of the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.

Best practice example from a broadcast company

We employ a Senior Chaperone who is able to work alongside scriptwriters and directors to talk through any upcoming storylines. She can then in turn work with the young actors and other chaperones to provide continuity of care and support. She is a very experienced chaperone herself so is able to nurture and train new chaperones in best practice.

A chaperone’s first priority is always to the child’s best interest and wellbeing. In certain circumstances a chaperone has discretion to allow a child to take part in a performance for a period not exceeding 1 hour immediately following the latest time permitted at the place of performance (which is 11pm for children over 5 and 10pm for children under 5).

The responsible person must ensure that when the chaperone exercises this discretion that the chaperone informs the licensing authority and the local authority where the performance is taking place, no later than the following day and that he or she explains the reason for exercising his/her discretion.

In considering whether to permit a child to stay later, it is best practice for the chaperone to weigh up whether permitting the child to stay at the place of performance or activity for any extra time would be in the best interests of the child, for example because it allows them to finish filming a scene so they do not have to attend again the following day.

5.3 The role of the local authority: approval and training

The local authority that grants the licence to the child must not approve a chaperone unless it is satisfied that the chaperone is both suitable and competent to discharge their duty (i.e. to exercise proper care and control of a child of the age and sex of the child in question and that he/she will not be prevented from carrying out his/her duties towards the child by other activities or duties towards other children). This section of the best practice is aimed at addressing the criteria that should be borne in mind by the local authorities involved in approving chaperones.
Local authorities should provide training for new applicants. This training could be delivered through local authority managed training sessions, through the provision of manuals, DVDs or online training packages.  

Chaperones who work in a professional setting such as film, television or professional theatres are also encouraged to undertake additional training.

Additional training might cover:

- the production techniques and requirements of major theatre, TV or film productions and requirements on “location”;  
- key aspects of child development for example attachment, cognitive abilities (ability to consent), conformity (sensitivity to overt and pressure), emotional vulnerability (sensitive topics such as body image), effects of anxiety and fatigue and non-verbal communication.

4. Education

Please see the regulations and Department for Education advice for information about the requirements.

Best practice case study from a licensing authority

We were approached by a film production company that was proposing to make a feature length film involving 2 main cast children and 2 main cast child doubles. Filming was to take place over a period of 5 months including school holidays and the children were going to be in just about every scene. The children were between 13 and 16 years old and one main cast child was from the USA. The production company contacted us as soon as the main cast children were cast - several months before filming started – to discuss the tutoring requirements. As a consequence of our intervention the film...
5. Compliance

The local authority has responsibility for enforcement of the licensing requirements. When granting a licence for a child to perform or take part in activities in another local authority area, the local authority must send a copy of the licence, the application form and any other appropriate information, as required by the regulations, to the child employment officer in that area (as well as to the child’s parent).

This information is required by the inspecting authority (the authority in which the performance or activity is taking place) when carrying out an inspection of the premises where rehearsals, performances or activities are taking place, in order to enforce the licensing requirements. Ideally, the local authority which issued the licence should give the inspecting authority sufficient notice of the performance or activity to be able to schedule an inspection within current workloads. In practice, the industry operates in such a way that timescales are extremely short and the local authority that issued the licence may only be able to give 24 to 48 hours’ notice. It is best practice for a local authority responsible for issuing a licence, as soon as the application is received, to advise the inspecting authority that a performance is going to take place in their area and that a copy of the licence, application form and other documentation as required will follow as soon as the licence has been issued.

7.1 Inspection and enforcement

Local authorities have been provided through statute with a number of areas where they must ensure a child’s welfare is maintained and a set of offences to consider for further action should those engaging children not meet the standards set.

Key areas that the local authority may look for when inspecting a place of performance or activity are:

- ensuring the children taking part in the performance are happy, fit and not overworked;
• inspection of the facilities i.e. accommodation, shelter, whether the children have been provided with suitable clothing, food and drink;
• chaperones – supervision, relationship with the child;
• tuition – discussion with tutor, child and parent, inspecting records;
• health and safety – (availability/access to/provision of) first aid, medical facilities;
• record keeping – inspecting licences and daily record sheets;
• observation and discussion with child, parent, chaperone and production team.

This is likely to form an integral part of the inspection.

7.2 Record keeping

**It is best practice for the responsible person** to keep copies of the licence at the place of performance (or the place of rehearsal if different) or the place where the activity to which the licence relates takes place as it is a legal requirement that the responsible person must on request produce the licence at all reasonable hours at such locations to an authorised officer of the local authority or the police.

Licence holders are legally required to retain certain records for six months from the date of the last performance or activity to which a licence relates. For example, records of a child’s hours (including rehearsals, breaks, tuition). It is therefore vital that these records are updated in real time or “as it happens” if the records are to be meaningful.

These records should remain on site for the duration of the performance or activity and be available for inspection to an authorised officer of the host authority. They can be requested up to 6 months after the last performance.
ANNEX 1: Dos and don’ts for chaperones:

DO:
• **check the child is comfortable** – you are the person to whom the child looks to for guidance, protection, clarification and support;
• **stand up for the child above production pressures** - one of a chaperone’s greatest strengths is their ability to negotiate with the production company 'on site' and be able to say no when what is being requested of the child is contrary or detrimental to the child's health, well-being and/or education;
• **be the child’s champion**;
• **report any concerns and know who to report them to and know what to do in each case** - chaperones should keep a note of important contacts, for example, the child’s licensing authority, the local authority in whose area the child is performing, the child’s agent and the child’s parent/legal guardian;
• **ask to see a copy of the licence** (where a licence is required);
• **exercise discretion where that is in the best interest of the child**;
• **be alert to all possible risks to the child**;
• **challenge people and/or behaviours**.

DON’T:
• let the child perform if they are unwell;
• leave the child alone with another adult (unless it’s their parent or teacher);
• take photos of the child;
• seek autographs from performers or get star struck;
• ignore or downplay questionable behaviour from adults or other children;
• allow the child to be pushed into things that they don’t want to do;
• use inappropriate language or smoke whilst on duty;
• consume alcohol or be under the influence of alcohol whilst on duty;
• wear inappropriate clothing.
Guidance on filming with children

This guidance is meant to help you in understanding the different rules and conditions to apply when filming with children in the UK or with children abroad.
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This guidance is meant to help you in understanding the different rules and conditions to apply when filming with children in the UK or with children abroad.

The licensing system is designed to protect and ensure safeguards are in place for children who participate in different performances and activities. It is a legal requirement to have a licence and if you fail to have one in place or if you fail to observe the terms of the licence it can result in a fine or imprisonment or both.

It’s important to note that the licensing rules differ across England, Scotland, Northern Ireland, Wales and when you take a child abroad.

Children who have the opportunity to perform and be involved in such activities can benefit a child’s wellbeing. Both England and Scotland consulted on a revision of changes to the Children (Performances) Regulations 1968 (‘the 1968 Regs’) the overall response to both England and Scotland was an emphasis for change across a number of areas was needed. As a result England and Scotland in 2015 have seen the introduction of new regulations in this area.

This advice sets out the laws across the UK, as well as highlighting the differences in their application as well as the changes in the hours in conditions and to help you navigate when to and how to involve children in a production. You should read this guidance alongside the legislation, government advice and documents.

Where there is any inconsistency in this guidance the regulations and primary legislation is overriding.

Aside from the legislation surrounding children and young people in respect of licensing which is intended to safeguard children. Producers have a legal responsibility, under the common law duty of care, to take reasonable steps to ensure the safety and wellbeing of all children in their care. Producer should ensure that the fundamental principle for any responsible persons or those involved or working with children in a production (is) that the welfare of the child must always be the paramount consideration in making decisions about them.

This guidance has been drafted by Pact and will be updated from time to time. You should always check that you have the most up-to-date guidance available to you.

Any errors and inaccuracies identified in this document should be notified to the following Pact representatives who will update the document accordingly.

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1. LEGISLATION

1.1. PRIMARY LEGISLATION

Primary legislation is the law that allows you to obtain a licence; effectively it is an instrument that enables you to work with children.

It is a legal requirement to obtain a licence where one is required and any person who causes any child to do anything in contravention of the licensing requirements may be subject to a fine, imprisonment or both.¹

1.1.1. Children and Young Persons Act 1933 (‘the 1933 Act’). Applies to England, Scotland, Wales and Northern Ireland

This legislation sets out the rules that allow you to take a child abroad, it sets out the types of performances and activities you can involve a child in. If filming with the child is to take place abroad then the applicable law is Section 25, the 1933 Act.²

1.1.2. Children and Young Persons Act 1963 Act (‘the 1963 Act’) Applies to England, Scotland and Wales

The primary legislation sets out when a licence must be obtained for a child; it explains the type of performances and activities that you can obtain a licence to allow you to involve children in a production. The relevant part can be found at Section 37, 1963 Act.³

1.1.3. Children (Northern Ireland) Order 1995 (‘the 1995 Order’) Northern Ireland

The Children Order is the principal statute governing the care, upbringing and protection of children in Northern Ireland those who take part in a performance have to apply Article 137(1)(a) of 1995 Order.⁴

1.1.4. Children and Families⁵ Act 2014 and Children and Young People (Scotland) 2014

1.1.4.1. Under 14 rule

Section 90 of the Children and Families Act 2014 which extends to England and Wales and Section 94 Children and Young People (Scotland) Act 2014 repealed section 38 of the 1963 Act.

The repeal is in respect of under 14’s being granted a licence only for certain dramatic or musical performances. This means children could only be filmed in those instances. This change now means all children will have the opportunity to be filmed for example, a child can be filmed being themselves in a directed activity, instead of performances which are based on those being dramatic or musical i.e. ‘acting, singing, dancing.’.

Northern Ireland however has not repealed the under 14 rule in the 1995 Order which means that children under 14 can only be granted a licence for certain musical and dramatic works as se out in section 138 of the 1995 Order.⁶

¹ Children and Young Persons Act 1963 Sections 37 (1) and 40 Children (Northern Ireland) Order 1995 Sections 137 and 147
² The 1933 Act can be found here: http://www.legislation.gov.uk/ukpga/Geo5/23-24/12/view=extent
³ The 1963 Act can be found here: http://www.legislation.gov.uk/ukpga/1963/37/contents
1.2. SECONDARY LEGISLATION

Secondary legislation relates to the regulations in each of the UK’s countries and explains the hours and conditions that apply from obtaining a licence.

(‘the English Regs’)

From 6th February 2015 these will apply for children who are resident in England, or where the child is resident abroad but is filmed in England.

- Industry examples of Best Practice: [http://www.nncee.org.uk/attachments/article/198/PDF%20Examples%20of%20best%20practice%20final-2.pdf](http://www.nncee.org.uk/attachments/article/198/PDF%20Examples%20of%20best%20practice%20final-2.pdf)

1.2.2. The Children (Performance and Activities) (Scotland) Regulations 2014
(‘the Scottish Regs’)

From 20th February 2015, will apply for children who are resident in Scotland, or where the child is resident abroad but is filmed in Scotland.

- Government advice: [http://www.gov.scot/Topics/People/YoungPeople/families/young-performers](http://www.gov.scot/Topics/People/YoungPeople/families/young-performers)

1.2.3. The Children (Performances) Regulations 1968
(‘the 1968 Regs’)

Wales have consulted on changes the rules around filming children however the relevant rules and conditions still to be applied are found in the 1968 Regs as amended 2000.


1.2.4. Children (Public Performances) Regulations (Northern Ireland) 1996
(‘the N.I Regs’)

6. (a) the licence is for acting and the application for the licence is accompanied by a declaration that the part he is to act cannot be taken except by a child of about his age; or

(b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age; or

(c) the nature of his part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera or ballet.

7. These Regulations revoke and replace the Children performance Regulations 1968 and the guidance issued by the Home Office in 1968, and the non-statutory guidance on Body of Persons Approval in 2010 (‘BOPA’s’).

8. The intention is to review the departmental guidance before 2020.

9. These are intended to be reviewed and updated on annual basis.

10. These regulations (1996) revoke and replace with amendments the Children’s (Performances Regulations) (Northern Ireland) 1971 ("the 1971 Regulations").
These Regulations, which came into operation on 4 November 1996, deal with children who take part in performances.


1.2.5. **Transitional Periods**

If you have been issued a licence by a licensing authority under the 1968 Regulations in Scotland or England prior to the changes taking place then this licence will still be in effect (subject to the licence period). Any variations sought to a licence issued under a 1968 regulation can only be in respect of the hours and conditions under the 1968 Regulations. If you wish to work under the hours and conditions of the new Scottish Regs or English Regs then you will need to submit a new application to the licensing authority.

1.3. **WHAT IS A LICENSING AUTHORITY?**

1.3.1. **England and Wales**

‘The licensing authority’ is the local authority to which the application is made for the child and which grants the licence.

1.3.2. **Scotland**

This is the local education authority of the child.

1.3.3. **Northern Ireland**

This is the education and library board.

The above authorities will be referred to hereafter as the ‘Licensing Authority’.
2. WHEN DO YOU NEED A LICENCE IN THE UK?

The licensing system applies to all children up to compulsory school leaving age.  

2.1. WHAT IS THE COMPULSORY SCHOOL LEAVING AGE?  

2.1.1. **England**  
In England, children can leave school on the last Friday in June as long as they will be 16 by the end of that year’s summer holidays.

2.1.2. **Scotland**  
Children can leave school on 31 May if their 16th birthday falls between 1 March and 30 September of that year.

Those who turn 16 between 1 October and the last day of February can leave at the start of the Christmas holidays of that particular school year.

2.1.3. **Wales**  
A child can leave school on the last Friday in June, as long as they will be 16 by the end of that school year’s summer holidays.

2.1.4. **Northern Ireland**  
If a child turns 16 during the school year (between 1 September and 1 July) they can leave school after 30 June.

If a child turns 16 between 2 July and 31 August they can’t leave school until 30 June the following school year.

2.2. YOUNG PEOPLE 16 to 18  

Whilst you may have 16 year olds that are not subjected to a licensing system, (and who might be living independently of their parents or guardians, is in Further Education, a member of the Armed Forces, or is in prison or a young offenders institution) this does not change their status or their entitlement to protection and having in place suitable safeguards.

Whilst there is no single law that defines the age of a child across the UK, child protection and duty of care is the responsibility of the government and each of the UK’s 4 nations England, Scotland, Wales and Northern Ireland set out how that should be met. The following information is intended to support you in understanding and recognising the responsibilities towards 16 to 18 year olds.

2.2.1. **Education and training 16 to 18s**  
The licensing system has not changed as a result of England raising the age of education to 18, this variation in intention was aimed at ensuring 16-18s participated in some form of education or training.

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12 The Education and Skills Act 2008 will in general require young people to continue to participate in education or training post-16 from 2013 (until 17 from 2013 and until 18 from 2015). This does not necessarily mean staying at school and young people will still be able to work, provided they are learning as well. Participation could be through school, college, work based training or part-time training if they are employed full time. As this Act does not affect the school leaving age it does not affect the meaning of ‘child under the school leaving age’ as far as the rules relating to the employment of children are concerned.

13 https://www.gov.uk/know-when-you-can-leave-school

14 See section 8 (3) Education Act 1996 a child ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year: if she/he attains the age of 16 after that day but before the beginning of the school year next following, if he attains that age on that day, or (unless (a) applies) if that day is the school leaving date next following his attaining that age.
up to 18 and does not affect the age of licensing.\textsuperscript{15} However you should note that if the young person is still at school or further education/ training the young person’s education/ training may be affected as a result of their participation in the production.

You should take every step to minimise and provide the relevant support, speaking with the school/ education provider to work out the best way to ensure that the child’s educational/ training needs are met and assisted whilst they are involved in your production.

2.2.2. OFCOM – Protecting under 18’s

Although the licensing system does not provide for children who are over the school leaving age, you should be mindful that these young people are still subject to OFCOM regulations, as the Ofcom code protects those under 18\textsuperscript{16} (see Section 11 of these guidelines).

2.2.3. United Nations Convention on the Rights of the Child

Under 18’s\textsuperscript{17} also have rights under the ‘United Nations Convention on the Rights of the Child’ (‘UNCRC’). This is an international treaty which sets out guarantees that each and every child must to enjoy a healthy and happy life.\textsuperscript{18} The 1989 Convention on the Rights of the Child (CRC) is the main legal instrument on the protection of under 18’s.

It embodies four general principles:

- The **best interests** of the child shall be **the primary consideration** in all actions affecting children (Article 3).
- There shall be **no discrimination** on the grounds of race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status (Article 2).
- States Parties recognize that every child has the inherent **right to life** and shall ensure to the maximum extent possible the **survival and development** of the child (Article 6).
- Children shall be assured the **right to express their views freely** in all matters affecting them, their views being given due weight in accordance with the child’s age and level of maturity (Article12).

2.2.4. England and Wales

2.2.4.1. Safeguarding Vulnerable Groups Act 2006 (‘the 2006 Act’)

In England legislation Section 60 of the 2006 Act defines a Child as “a person who has not attained the age of 18”. The 2006 Act established the Independent Safeguarding Authority (ISA) to make decisions about individuals who should be barred from working with children and to maintain a list of these individual.

2.2.4.2. The Protection of Freedoms Act 2012 (‘the 2012 Act’)

The 2012 Act which came into effect in September 2012 merged the Independent Safeguarding Authority with the Criminal Records Bureau (CRB) to form a single, new, non-departmental public body called the Disclosure and Barring Service (‘DBS’). This established the new DBS which processes criminal records checks and manages the Barred Children’s

\textsuperscript{15} Children must stay in some form of education or training until their 18th birthday if they were born on or after 1 September 1997. Their options are: full-time education - e.g. at a school or college, an apprenticeship or traineeship, part-time education or training - as well as being employed, self-employed or volunteering for 20 hours or more a week

\textsuperscript{16} http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/protecting-under-18s/

\textsuperscript{17} "child" as defined in Article 1 of the Convention on the Rights of the Child (CRC), means "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier

\textsuperscript{18} UN Assembly (1989) UN Convention on the Rights of the Child.
and Barred Adults’ Lists of unsuitable people who should not work in regulated activities with these groups (‘DBS Checks’).

The DBS decides who is unsuitable to work or volunteer with vulnerable groups and it is illegal for a barred person to apply for such work (paid or voluntary), or for a charity to employ a barred person in such work. It is also a legal requirement for employers to refer someone to the DBS if they:

- dismissed them because they harmed a child or adult,
- dismissed them because they might have harmed a child or adult otherwise,
- were planning to dismiss them for either of these reasons, but the person resigned first.


2.2.4.3. Wales

The Welsh Government is responsible for child protection in Wales. The Welsh child protection system is similar to England’s system. However, when the Social Services and Well-being (Wales) Act 2014 comes into force in April 2016 Wales will have its own framework for social services. Child protection concerns that end up in the courts will continue to be treated in the same way as England.¹⁹

At the local level regional safeguarding children boards co-ordinate, and ensure the effectiveness of, and work together to protect and promote the welfare of children. Each regional board includes any: licensing authority, chief officer of police, Local Health Board, NHS trust and provider of probation services that falls within the safeguarding board area. The regional boards are responsible for local child protection policy, procedure and guidance.

2.2.5. Scotland

Under the Children and Young People (Scotland) Act 2014 (‘the CYPA 2014’)²⁰ a person already known to a child’s family can take the role of a ‘Named Person’ is to help support a child’s wellbeing until the age of 18. This Named Person can offer help and advice to a child and their family when they need it in addition to the help families, school and the local community can offer. This Act requires public bodies to plan and deliver services which best safeguard, support and promote the wellbeing of children.

The Protecting Vulnerable Group Act 2007 (‘the 2007 Act’) defines a Child as an individual under the age of 18. This Act put in place the (‘PVG Scheme’), the PVG scheme requires ‘PVG checks’ to be carried out to confirm that a chaperone/teacher (i.e. a person who has regular contact with children through paid or unpaid work) are not barred from working with children and/or protected adults. Further information on the scheme is available here http://www.disclosurescotland.co.uk/disclosureinformation/guidance.htm.

2.2.6. Northern Ireland

The fundamental principle in childcare law and practice is that the welfare of the child must always be the paramount consideration in decisions taken about them. This is set out in The Children (NI) Order 1995, which provides the legislative basis for child protection practice in Northern Ireland and which is underpinned by the standards of the UNCRC.

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¹⁹ Education Act 2002, 175 Duties of LEAs and governing bodies in relation to welfare of children, in this section—“child” means a person under the age of eighteen;

²⁰ Section 94 of the Children and Young People (Scotland) Act commenced on 1st August 2014 and repealed the previous restrictions on the types of performances in which children under 14 could participate. Repealed Section 38 of the Children and Person’s Act 1963
There is a legal responsibility, under the common law Duty of Care, for all organisations to take reasonable steps to ensure the safety and wellbeing of all children in their care. The definition adopted is a person under 18 years of age, as defined under The Children (NI) Order 1995.

2.2.7. Further considerations for under 18’s
While some 16 – 18 year olds may be contributors, for example being themselves whilst taking part in a documentary is generally not deemed working. However, you should consider whether the activities or performance you are seeking the young person to participate in could be considered more than a contribution and therefore render them a young worker. In this instance whilst they may no longer attend school and are not subject to licensing requirement, there are other rules in place you may need to consider, for example 16- 17 year are subject to a maximum 8 hour working day, or a total of 40 hours over the course of a week. They must also receive a 30 minute break if they are working for more than 4.5 hours and they should get 2 days off each week. 21

21 http://www.acas.org.uk/firstjob
This applies to children up to compulsory school leaving age
See Section 2.1 of this guidance note.

Do I need to obtain a licence?

Examples of when a licence is required
Section 37 of the 1963 Act and Section 137 of the 1995 Order
Note: some of these examples may not be applicable for Northern Ireland due to the under 14 rule.

- any performance for which a charge is made, whether for admission or otherwise
- performances on premises licensed to sell alcohol, for example in a hotel, pub, or theatre
- any live performance, or a performance which is recorded to be included in a programme, or any performance recorded (by whatever means) with a view to use or broadcast on television, radio, internet or in a film intended for public exhibition.
- when children take part in sport or modeling for which payment is made or to someone other than expenses.

Examples of when a licence may not be required
Note: some of theses examples may not be applicable for Northern Ireland due to the under 14 rule.

- hernials
- performances on premises licensed to sell alcohol, for example in a hotel, pub, or theatre
- any live performance, or a performance which is recorded to be included in a programme, or any performance recorded (by whatever means) with a view to use or broadcast on television, radio, internet or in a film intended for public exhibition.
- when children take part in sport or modeling for which payment is made or to someone other than expenses.

When a licence is not required - Exemptions
Section 37(3) of the 1963 Act and Section of the 1995 Order
In Northern Ireland you may be required to obtain an exemption certificate from some licensing authorities.

- being interviewed as a member of the public;
- daily news, reporting, news reports including investigations in the public interest e.g. testing if a shop sells goods to an underage child
- being part of an audience (watching a show either in a studio, theatre or stadium)
- self-generated content, e.g. a child records themselves and puts that on the internet
- elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentaries provided the child is filmed being themselves without direction

Organised by the School
See Section 6.4 of this guidance note
Can be filmed provided observational.

Four Day Rule
See Section 6.5 of this guidance note

Body of Persons application (BOPA)
See Section 6.6 of this guidance note
Can be filmed provided observational

Presenting or compering (where this has an element of contrived performance)
Television programmes where the activity in which the child participates is manipulated/controlled or directed for the purpose of entertainment
Photoshoots and modelling where the child (or someone else in respect of the child's taking part) receives payment.
Taking part in a sport where the child (or someone else in respect of the child's taking part) receives payment other than expenses.
Auditions and Rehearsals
See guidance note 4

Acting; singing; dancing; playing in an orchestra; stand-up comedy; magic act; and any production where the activity is contrived or constructed for dramatic effect.

Auditions
See Section 6.3 of this guidance note.

Auditions and Rehearsals
See guidance note 4

Self-generated content, e.g. a child records themselves and puts that on the internet

Elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentaries provided the child is filmed being themselves without direction.
4. WHAT TYPE OF PERFORMANCE REQUIRES A LICENCE?

4.1. ACTIVITIES THAT REQUIRE LICENCES

Under Section 37 of the 1963 and Section 137 of the 1995 Order Act a licence must be obtained by the person responsible for arranging the activity before a child under the school leaving age can take part in certain types of performances and activities in Great Britain. Amateur groups, student productions, films and musical performances are not exempt from obtaining a licence. You should also note a licence may still be required whether or not a child is paid.

The below is to help you understand its application however where you are unsure you can seek further advice from Pact, your Broadcaster and licensing authority. It is however for the licensing authority to determine, in each case, whether the performance or activity requires a licence.

It is a legal requirement to seek a licence when one is required and any person who causes or procures any child to do anything in contravention of the licence.

The only defence to a charge of failing to obtain a licence is for the accused to prove that he had reasonable grounds for believing that the performance was one for which a licence was not required by reason of the Section 37(3) exemption (and section 137(3) of the 1995 Order).

Section 40 of the 1963 Act (and section 147 of the 1995 Order) states that any person:

- Causing or procuring any child to take part in any performance in contravention of the licensing system;
- Failing to observe any condition subject to which a licence is granted; or
- Knowingly or recklessly making any false statement in or in connection with an application for a licence;
- Is guilty of a criminal offence. The maximum penalty for the offence is a fine of £1,000 (level 3 on the standard scale).

It’s important to note that some of the below examples may not be applicable for Northern Ireland due to the under 14 rule still being in place.

4.1.1. any performance for which a charge is made, whether for admission or otherwise;

4.1.2. performances on premises licensed to sell alcohol, for example in a hotel, a pub, a theatre;

4.1.3. any live broadcast performance, for example a television or radio broadcast, internet streaming;

4.1.4. All performances recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for Public Exhibition. For example a live stage performance recorded for a cinema screening, a feature film, video or sound recording of a performance on a website. This is not intended to cover user generated content when a family record themselves and put it on a website.

4.1.5. Modelling or Sporting Activities where payment, other than for expenses is made to the child or to someone else in respect of the child taking part.\(^2\)

\(^2\)This is not applicable to Northern Ireland all others licence requirements are the same across England, Scotland and Wales.
4.2. **EXAMPLES OF LICENSED ACTIVITIES**

The examples are for illustrative purposes and should not be regarded as an authoritative statement.

4.2.1. **Rehearsals**

Rehearsals which take place from the first to the last day of the performance period require a licence and are subject to the same restrictions and conditions as performances. Any rehearsal on the day of a performance or activity counts towards the permitted hours the child can be at the place of performance or activity. In addition you should take into account warm-up time when assessing the amount of time that a child spends in rehearsal.

These licensing requirements **do not apply** to rehearsals that take place **before the first day of performance**; however these will be taken into account by the licensing authority, see section 5.1.1 of this guidance note.

4.2.2. **Auditions and Castings**

Auditions are generally exempt from requiring a licence as a result of Section 37 (3) of the 1963 Act (and section 137(3) of the 1995 Order) See Section 6.3 of this guidance note. However if the auditions are filmed with the intention to be included in a programme or broadcaster then it may fall within the requirements to be licensed, especially where the children will be known to you and the audition is planned and directed. In some circumstances BOPA may be more practical if it involves large numbers of children that may or may not be known to you. See for more information.

4.2.3. **Acting**

This is where the child is taking part in a role which is generally directed, this would include scripted dialogue, comedy stand up, recitals (including poetry reading), Pantomimes and re-enactments. Presenting and Improvisation would also be covered if it amounts to acting, or direction under the 1963 Act. These all would be licensable activities.

4.2.4. **Dancing**

All forms of dance require a license from ballet, ballroom, cheerleading, freestyle, modern, tap, Highland and Irish dancing.

4.2.5. **Musical Performances**

These include singing, choirs, brass bands, orchestras and musicals.

4.2.6. **Competition/Game shows**

This would be where the child is involved in directed activities; this could also include chat shows if the child’s participation is as an interviewer/presenter or performing (acting, dancing or musical performance).

4.2.7. **Constructed Factual Programmes**

Where a child is being themselves but there participation is directed and is constructed this would be licensed as the child’s participation is in the control of the production company. However it may be that the child’s participation has elements of observation and those elements will not count towards the hours of the licence (See Section 4.2.8 and 5.1.3 of this guidance note.)

4.2.8. **Part directed performance and part observational documentary**

A programme that is observational in nature but has constructed elements, in that a number of aspects were organised and the children would, in some cases, be controlled and directed by the production company.

It is the directed and controlled elements therefore that require a licence and are subject to licensing restrictions with regard to hours of performance and requirements for breaks. However, elements of filming the children in their homes and/or being themselves and not being directed, do not need a performance licence and need not be subject to the limits and restrictions.

When deciding what elements would be deemed licensable a discussion is required with your broadcaster and licensing authority.
5. WHAT TYPES OF ACTIVITIES/PERFORMANCE MAY NOT REQUIRE A LICENCE

Performances have been understood to apply to acting, dancing or the performance of music as set out in Section 4 of this guidance note.

Some programmes however will inevitably fall into grey areas and each case will turn on its individual facts and if in doubt you should seek guidance from your Broadcaster or your licensing authority. It’s important to note that the only defence to a charge of failing to obtain a licence is for the accused to prove that he had reasonable grounds for believing that the performance was one for which a licence was not required by reason of the Section 37(3) exemption (and Section 137(3) of the 1995 Order).

5.1. EXAMPLES OF WHEN A LICENCE MAY NOT BE NEEDED

The examples are for illustrative purposes and should not be regarded as an authoritative statement.

5.1.1. Rehearsals

Licensing requirements do not apply to rehearsals that take place before the first day of performance.

However you should ensure that child’s education and well-being will not suffer as a result of the rehearsals. The licensing authority can take into account the amount of rehearsal that have taken place before the first day of the performance when issuing a licence.

The regulations require that you provide the licensing authority with information as to the dates, places, approximate duration of and proposed arrangements of rehearsals taking place at any time before the first day of performance as part of the Licence Application form.

Therefore you should take this into account when organising your rehearsal schedules.

5.1.2. Observed behaviour

Where programme makers film a child without any form of direction by the producer i.e. events filmed what would have happened regardless of the camera. These are general considered as observational documentaries, fly on the wall stories and observational documentary secret filming.

An example of such observational filming of activities that might otherwise be classified as a performance or activity would be for example a child is participating in a school play put on by the school and it is being filmed. For example, the opening ceremony of the Olympics was an event organised under a BOPA licence without the involvement of production. Filming the participation of children backstage or as part of the evening ceremony would not require a licence because the activity was under a BOPA and filming the children’s experience would generally be considered as observational documentary (provided there was no direction). Typically, programmes that film within a child’s existing home/school/youth club will generally not require a licence provided the child is being themselves without direction in their own environment.

However depending on how the child is directed or their activities are constructed then a licence may be required.

5.1.3. Part directed performance and part observational documentary

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23 Section 40 of the 1963 Act states and Section 147 of the 1995 Order states that any person:

- Causing or procuring any child to take part in any performance in contravention of the licensing system;
- Failing to observe any condition subject to which a licence is granted; or
- Knowingly or recklessly making any false statement in or in connection with an application for a licence;

is guilty of a criminal offence. The maximum penalty for the offence is a fine of £1,000 (level 3 on the standard scale).
A programme that is observational in nature but has constructed elements, in that a number of aspects were organised and the children would, in some cases, be controlled and directed by the production company would require a licence.

It is the directed and controlled elements which would require a licence and be subject to the licensing restrictions with regards to hours of performance and requirements for breaks etc. However, the elements of filming the children in their homes and being themselves and not being directed would likely not be subject to the hours restrictions under the licence.

In deciding what elements would be deemed licensable would need to be discussed with your broadcaster and licensing authority. See also Section 4.2.8 of this guidance note.

5.1.4. **Pieces to camera**
Vox pops, pieces to cameras, video diaries, improvisation, interviewees, chat show (not if participating as a guest however some forms of participation may be captured), web cams (similar to diaries) unless the child’s participation amounts to acting and can be considered to be directed.

5.1.5. **Incidental**
Where children are in the background, passing by or in a crowd, for example a football crowd or an audience watching a show, in a studio, theatre or stadium this would not be deemed licensable. In addition, instances where you are filming and a child’s actions are instantaneous and they are an unplanned participation outside of the producers control and not directed by the producer. You should always ensure that the appropriate consents are obtained from the parents.

5.1.6. **News, current affairs**
Daily news reporting, news reports (including investigations in the public interest, for e.g. testing if shops sell goods to a child underage) is not likely to be licensable however in these circumstances you should speak with your broadcaster.

5.1.7. **User Generated Content**
This is in respect of circumstances where the content is self-generated content, e.g. a child records themselves and puts that on the internet.

5.1.8. **Educational Activities**
Where you are filming what is considered to be an approved educational activity where child’s school is involved in the activity or where the activity is an initiative set up by the school then it is unlikely to require a licence. This includes whether the activity takes place outside or on the school premises or it may be filming approved work experience under section 560 of the Education Act 1996 or a sporting activity approved by the school. See also Exemptions 6.4 of this guidance note.

5.1.9. **Child employment (outside of a performance)**
In accordance with section 18(1)(a) of the 1933 Act no child may be employed under the age of 14. It is only possible for a production company to film a child’s lawful employment. Filming a child going to work over the age of 14 would be considered an observational documentary.

5.1.10. **Photo shoots/modelling/taking part in sports**
Photo-shoots and modelling where no payment is made in respect of the child being a ball boy or girl (except expenses).

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24 Only applicable to children in the final 2 years of compulsory schooling
6. EXEMPTIONS FROM LICENSING ARRANGEMENTS

6.1. WHAT THE EXEMPTIONS COVER

The following exemptions are set out in Section 37 (3) Children and Young Persons Act 1963 and under Section 137(3) of the Children (Northern Ireland) Order 1995.

In respect of auditions, school productions and use of the 4 Day rule you are not required to contact the licensing authorities to apply the Exemptions however if in doubt you should seek guidance from Pact, your broadcaster or your licensing authority.

The only defence to a charge of failing to obtain a licence is for the accused to prove that he had reasonable grounds for believing that the performance was one for which a licence was not required by reason of the Section 37(3) exemption.25

6.2. NORTHERN IRELAND

In Northern Ireland some Child Protection Support Service for Schools (CPSSS) request that the production companies or organisations intending to involve children in broadcast or non-broadcast performances should contact them26 in order to establish if a performance licence is required or if an exemption can be applied under Article 137 (3)(a) or (3)(b) of The Children (Northern Ireland) Order 1995.

Whilst the 1995 Order does not require you to contact them if an exemption applies for schools or 4 day rule applies, it would appear that some CCPSS require that where an exemption is sought the person responsible for the production submit a pro-forma providing details of the proposed performance(s) and the children involved. If satisfied a Designated Officer for Child Protection will issue an exemption letter.

6.3. AUDITIONS /CASTINGS

6.3.1. When the exemption applies

Section 37(3) of the 1963 Act, a licence is not required for auditions as the purpose of auditions and casting are to determine if a child is to be given a role or a part in a performance. This exemption applies even if the child is reading or as part of the audition (it can also apply when an audition is filmed).

6.3.2. When the exemption may not apply

However if the auditions are filmed with the intention to be included in a programme or broadcast then it will may fall within the requirements to be licensed (unless it falls within the 4 day rule, a performance under arrangement by a school or is covered by a BOPA. A licence is likely to be required when the audition is planned and directed and meets the criteria set out at Section 4.2.2 of this guidance.

6.3.3. General Considerations

You should consider the arrangements that need to be made for children coming in for auditions/castings for example separate changing facilities, refreshments. Where children are arriving without the parents or legal guardians (i.e. a grandparent), you will need to consider a chaperone to ensure the children are supervised. As only a parent or legal guardian can act as a chaperone to their child.

25 Section 40 of the 1963 Act (and section 147 of the 1995 Order) states that any person:

- Causing or procuring any child to take part in any performance in contravention of the licensing system;
- Failing to observe any condition subject to which a licence is granted;
- Knowingly or recklessly making any false statement in or in connection with an application for a licence;

- is guilty of a criminal offence. The maximum penalty for the offence is a fine of £1,000 (level 3 on the standard scale).

26 For example http://www.welbni.org/index.cfm/do/LicencesforChildrenwhoperform; http://www.belb.org.uk/hqservices/child_employment_permits.asp
6.4. **PERFORMANCES ARRANGED BY A SCHOOL**

6.4.1. **What type of performance is exempt**

Any performance or activity can be filmed under this exemption provided the school is responsible.

Under **Section 37 (3) of the 1963 Act (and Section 137(3) of the 1995 Order)** a licence is not required where the performance is given under arrangements made by a school, for example a school production. The licensing criterion is based on whether the school is responsible for organising and producing the performance. If, for example, a production company came in to film the school production that would fall under an exemption, or if a school was responsible for organising a day trip then this could be filmed as an exemption without needing a licence.

6.4.2. **What qualifies as a school under the exemptions**

The school in question has to fall within the meaning of a ‘school’ in the relevant Education Acts i.e.27 an educational institution that provides primary and/or secondary education.

6.4.3. **Example of Exemptions**

The below sets out examples of when a performance is likely meet the criteria for this exemption.

<table>
<thead>
<tr>
<th>What qualifies as a ‘school’ for the purposes of the exemption</th>
<th>Do you need a licence?</th>
<th>Can you film without a licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>The child’s school is responsible and has organised the performance or activity</td>
<td>Exempt</td>
<td>This can be filmed without needing to obtain a licence provided observational filming28</td>
</tr>
<tr>
<td>Any school within the meaning of the relevant Education Acts. The legislation does not specify that arrangements have to be made by a school that the child is attending. For example</td>
<td>Exempt</td>
<td>This can be filmed without needing to obtain a licence provided observational filming.</td>
</tr>
<tr>
<td>• a performing arts school which also provides a child’s main education;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• a school providing a child’s main education working alongside a performing arts school (education is jointly provided), providing each is a ‘school’.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• A child who is home educated could qualify under this exemption if the arrangements for the performance are made by a school.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dance schools, circus schools, conservatoires and similar organisations where the child is attending purely for training in that performance activity (as opposed to receiving their main education).29</td>
<td>Licence unless covered by an exemption</td>
<td>If covered by one of the exemptions and filming is observational then a licence is not required by the production company, Otherwise a licence will be required.</td>
</tr>
</tbody>
</table>

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27 **Scotland** - section 135(1) of the Education (Scotland) Act 1980. Education (Northern Ireland) Act 1947

28 You should ensure that anyone filming within a school is DBS checked. Requirement is under the Rehabilitation Offenders Act 1971.

29 Practical dance sessions led by a dance teacher or artist. They may explore an idea or practice some A dance workshop/class where children introduce the participants to different dance styles or techniques; and encourage interaction between participants from different schools or groups would unlikely require a licence as not a performance.
A production company has organised for the school or schools to attend certain event, or organised the activities. The production company is responsible and directing the activities. A licence is required. However it may be that some of the hours of the licence may not be applicable where the child is being themselves and not directed. See Section 5.1.3 of this guidance note.

6.5. THE 4 DAY RULE
Applies to England, Scotland, Wales and Northern Ireland

This is an exemption under Section 37 (3) of the 1963 Act and Section 137(3) of the 1995 Order which is more commonly referred to as the 4 day rule.

Referred to as the 4 day rule because a child, who has not performed on more than 3 days in the last 6 months, does not require a licence for a performance on the fourth day. A child does not require a licence for a total and maximum number of 4 days in every 6 months.

Where the four day rule is relied upon the rules and conditions under the Regulations which set out the hours and safeguarding requirements are still to be adhered.

6.5.1. 4 day rule criteria
The 4 day rule can be used only if the following conditions are met:30

- No payment is made to the child for taking part in a performance (other than expenses), and
- The child will not be absent from school, and
- The child has not performed for more than 3 days in the 6 months prior to your performance.

6.5.2. What is a performance
A performance for this purpose is anything that falls within the scope of Section 37 of the 1963 Act and Section 137 of the 1995 Order set outlined at section 4.1 of this guidance note. A reminder that a performance is deemed one of the following:

- A performance for which a charge is made, whether for admission or otherwise
- A performance on premises licensed to sell alcohol
- A live broadcast
- A recording for the purpose of broadcast or public exhibition
- Paid modelling or participation in sport for profit

It is important to note that when determining whether a child has performed on any given day the amount of time spent performing does not matter. A 30 minute voice over on 1 day counts as 1 day.

---

30 This exemption does not apply to paid sport or paid modelling.
Dear Parent

As your child is under 16 years of age and in compulsory education we need to know whether your child has taken part in any other performance for more than 3 days during the period [insert date 6 months prior to first date of intended performance] - [first date of performance], as we may need to apply for a licence from your local authority.

Please complete the table below to the best of your knowledge with the following information.

- Name/Details of the Performance the child was involved in
- Where the performance took place
- Was any of the performance licensed or not.
- The dates of the licence or non-licensed performance in the last 6 months.
- Number of actual days the child performed

Please sign here that the above information is correct to the best of your knowledge and ability.

6.5.3 **Best Practice**

To use the 4 day rule you need to ascertain the number of days the child has performed in the 6 months prior to your performance. In order to do this you should have the child’s parents or legal guardians confirm the position in writing.

The following is an example of a template letter to the parent/legal guardian requesting confirmation of the required information:

```
Dear Parent

As your child is under 16 years of age and in compulsory education we need to know whether your child has taken part in any other performance for more than 3 days during the period [insert date 6 months prior to first date of intended performance] - [first date of performance], as we may need to apply for a licence from your local authority.

Please complete the table below to the best of your knowledge with the following information.

<table>
<thead>
<tr>
<th>Performance type</th>
<th>Number of days/details</th>
</tr>
</thead>
<tbody>
<tr>
<td>A performance for which a charge is made, whether for admission or otherwise</td>
<td></td>
</tr>
<tr>
<td>A performance on premises licensed to sell alcohol</td>
<td></td>
</tr>
<tr>
<td>A live broadcast</td>
<td></td>
</tr>
<tr>
<td>A recording for the purpose of broadcast or public exhibition</td>
<td></td>
</tr>
<tr>
<td>Paid modelling or participation in sport for profit</td>
<td></td>
</tr>
</tbody>
</table>

Please sign here that the above information is correct to the best of your knowledge and ability.
```

6.6. **BODY OF PERSONS APPROVAL (’BOPA’)**

By obtaining an approval under a ‘BOPA’ to an organisation it removes the need for the organisation to apply for individual child performance licences from each child’s home licensing authority for a performance.

Such approval can be granted in respect of a single performance or for a series of performances taking place over a period of time.

In Scotland, the guidance issued by the government recommends that this period does not exceed 24 months.

6.6.1. **Where does the Exemption for a BOPA come from?**

6.6.1.1. **England, Wales, Scotland**
The Children & Young Persons Act 1963, Section 37 (3)(b) allows for a Body of Persons approval to be granted to an organisation.

6.6.1.2. **Northern Ireland**
Under the Children (NI) ORDER 1995, Part XII allows for a Body of Persons approval.
6.6.2. Who can grant a BOPA?
The below sets out who approves a BOPA (‘Approval bodies’)

6.6.2.1. England
Approval is granted either by the licensing authority in which the performance is going to take place. In exceptional circumstances the Secretary of State can also grant approval however this is likely to only be considered when an organisation is putting on performances in a large number of areas, involving hundreds or thousands of children.

6.6.2.2. Scotland
Approval is granted either by the licensing authority in which a performance is going to take place or by Scottish Ministers.

Where a performance is being staged in either a single licensing authority or a small number of authorities, approval should be sought at licensing authority level. Only where a performance is taking place in a large number of licensing authority areas should approval be sought from Scottish Ministers.

6.6.2.3. Wales
Approval is granted by the licensing authority in which the performance is going to take place or in exceptional circumstances the Secretary of State.

6.6.2.4. Northern Ireland
The Department of Education in Northern Ireland or the education and library board in whose area the performance takes place

Once obtained a BOPA cannot be used in another area. Additional BOPA’s must be sought from the Approval Body local to the relocated performance.

6.6.3. Conditions relating to a BOPA

6.6.3.1. When a BOPA is not applicable
• A child cannot be paid under a BOPA (except for reasonable expenses. 31
• A BOPA cannot be granted for a child’s specific part in an activity.
• A BOPA cannot be granted for a child to travel abroad.

6.6.3.2. Obtaining a BOPA
• The decision to issue a BOPA is at the discretion of the Approval bodies.
• A BOPA can be revoked if the licensing authority has reason for concern about the safety and wellbeing of the children involved in the performance(s).
• A BOPA is not transferable to other organisations or individual children taking part in performances organised by someone else. However, if you are in partnership but you are still the main responsible person organising the performance you can obtain a BOPA. However you should ensure that they understand comply with you child protection polices and understands your obligations under a BOPA.
• A BOPA is not intended for agents to use as a form of open licence.

6.6.3.3. Absence from school

31 However is a child was taking part in a performance where it would normally be expected to be paid then the local authority may take the view that a BOPA would not be appropriate.
6.6.3.3. Absence from school

- A BOPA, unlike a child licence does not authorise absence from school for any child involved in the performances. If the performance involves absence from school, requires approval from the school.
- A child can be authorised by the head teacher to be absent from school in order to participate in a performance.

6.6.3.4. Chaperones under a BOPA

- Where a performance taking place under a BOPA, the legislation does not require that the child be supervised by a chaperone approved by the licensing authority.
- The organisation may have its own staff and arrangements for supervising and protecting children. However you will need to ensure that the children are supervised at all times by suitable individuals and that the policies in place ensure the children’s safety and wellbeing.

6.6.3.5. Licence Conditions

- The conditions which apply in respect of a child performance licence (working hour limits, chaperones, educations etc.) do not apply where a Body of Persons Approval has been granted.
- However an Approval Body granting a BOPA can prescribe conditions in respect of hours of work, rest, meals and use of chaperones. Most importantly they will want assurance that the organisation has clear, robust and well embedded policies for safeguarding children. These systems should be in place to protect children during rehearsals and performances.

6.6.4. Who can apply for a BOPA?

Body of Persons approvals may be granted to amateur productions including, for example, productions hosted by organisations such as youth organisations or dramatic societies.

Approval may also be granted in respect of other organisations arranging unpaid performances involving children who would otherwise require a licence. This may also include professional Television Companies who wish to involve large groups of children in productions where there is no payment, for example a dance or singing competition etc.

There are no restrictions set out in legislation about the circumstances in which a BOPA can be issues.

6.6.5. How do you apply for a BOPA?

It is best practice to provide as much information that the organisation has available. It is better to apply well in advance of a performance as the licensing authority needs time to assess and application.

However some information may not be available to the organisation at the time of the application for example the number of children their names, and ages might not even be know. Where the information cannot be provided in advance the licensing authority can issue a BOPA on the condition that when the information when available is provided (even if that is after the event).

The following table sets out:
- What organisations should consider sending the licensing authority
- What are the considerations of granting a BOPA, and
- The conditions which may be applied to a BOPA.

The organisation should keep a copy of the BOPA at the place of the performance together with any licences (if issued separately/independently).
### 6.6.6. Process in which a BOPA is granted

<table>
<thead>
<tr>
<th>The following information if available should be provided to the licensing authority / approval persons.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The numbers and age range(s) of the children involved in the productions.</td>
</tr>
<tr>
<td>• Confirmation that no payment (other than to cover expenses) is being made to any of the individuals taking part in the performance.</td>
</tr>
<tr>
<td>• Details of productions and rehearsals. Where details are not available notify the licensing authority. Information regarding the general nature of the productions should also be provided.</td>
</tr>
<tr>
<td>• Details of the arrangements for appointing suitably skilled individuals to take on the role of chaperone.</td>
</tr>
<tr>
<td>• Details of arrangements for the safe travel of children to and from the place(s) of performance.</td>
</tr>
<tr>
<td>• Details of the organisation’s child protection policies and training for relevant staff.</td>
</tr>
<tr>
<td>• Name of the lead child protection officer within the organisation.</td>
</tr>
<tr>
<td>• Where a child requires to be absent from school in order to perform, confirmation that the absence has been approved by their Head teacher.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>When deciding to grant a body of Approval a local authority / approval persons may wish to consider the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The robustness of relevant child protection arrangements, chaperone arrangements, travel arrangements.</td>
</tr>
<tr>
<td>• Numbers of children involved in the performance(s). Where larger groups of children.</td>
</tr>
<tr>
<td>• The age(s) of the children involved and timings of rehearsals/performances.</td>
</tr>
<tr>
<td>• The duration of the performance(s). Where performances take place over a limited period of time and unlikely to impact on the child’s education.</td>
</tr>
<tr>
<td>• Details of any planned absences from school as a result of a child’s involvement in a performance. Body of Persons Approval cannot authorise removal from school. However, a child can be authorised by the head teacher to be absent from school in order to participate in a performance.</td>
</tr>
<tr>
<td>• Whether the licensing authority have an existing relationship with the organisation in question which suggests they are suitable to be approved.</td>
</tr>
<tr>
<td>• Where a child’s daily routine, education or access to play and recreation opportunities are likely to be impacted over a prolonged period, a child performance licence should be sought.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conditions which may be applied by the local authority / approval persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Working hour limits.</td>
</tr>
<tr>
<td>• Limits on the number of days children can be involved in performances.</td>
</tr>
<tr>
<td>• Conditions linked to chaperones, including maximum numbers of children per chaperone.</td>
</tr>
<tr>
<td>• Conditions linked to travel.</td>
</tr>
<tr>
<td>• Conditions linked to the full implementation of child protection procedures.</td>
</tr>
<tr>
<td>• Conditions linked to the reporting of injuries and illness sustained during a child’s participation in a performance.</td>
</tr>
<tr>
<td>• Condition the responsible person will allow the licensing authority to inspect the place of performance on request.</td>
</tr>
<tr>
<td>• Where information can only be supplied after the event a condition to provide this.</td>
</tr>
</tbody>
</table>
7. CHILDREN WHO ARE RESIDENT ABROAD FILMED IN THE UK

7.1. LICENSING REQUIREMENTS

Even though a child from another country may have received a licence from the country where he or she is resident, an application for a licence still needs to be made with the licensing authority where filming is to take place in the UK. In some cases you will also need to consider obtaining a Visa to bring them into the UK to film.

7.2. VISA REQUIREMENTS OUTSIDE EEA

7.2.1. Tier 5
If you are bringing a child in to film that is from outside the European Economic Area (EEA) and Switzerland then you will need to bring them in under the sub category of Creative and Sporting of Tier 5 (Temporary Workers) Visa. The Tier 5 Visa allows for production companies to bring in anyone (including children) to the UK. It’s important to note that Tier 5 is for those coming to the UK for shorter periods of time i.e. the maximum length of leave in this category is 12 months.

7.2.2. A Rated Sponsor
However in order to bring a child in or anyone else then you will need to be an A rated Sponsor and you will need to sponsor that child. This means that you will issue that child a certificate of sponsorship before they come to the UK.

The work undertaken by the sponsored person in the UK must relate to the work of the sponsor, to become a sponsor this link will explain further:
https://www.gov.uk/uk-visa-sponsorship-employers

7.2.3. Codes of practice
A licensed sponsor must apply the codes of practice (see link below) if bringing in a performer to the UK.
8. **WHAT DO I NEED TO DO IF I AM TAKING A UK CHILD ABROAD?**

Whilst you will need to apply to the court, you should also check the consulate in the country you are going to film in to ensure there are no other legal requirements or obligations that you need to comply with.

*If the child is performing in both the UK as well as abroad a licence from the Licensing Authority will also be needed.*

### 8.1. **WHEN DO YOU NEED A LICENCE FOR TAKING A CHILD ABROAD**

The Children and Young Persons Act 1933\(^{32}\) sets out the requirements for taking children abroad:

- *for the purpose of singing, playing performing, or being exhibited, for profit; or,*

- *for the purpose of taking part in a sport, or working as a model, where payment in respect of his doing so, other than for defraying expenses, is made to him or to another person.*

The term ‘being exhibited’ for profit can be interpreted widely and can include publicity for a film, or where a child’s activity is for a TV/ film programme or promotion of a product or other profit making venture, that can be construed as work ‘for profit’. In all of these instances a licence will be needed.

### 8.2. **WHO OBTAINS A LICENCE?**

The English Regs\(^{33}\) and Scottish Regs\(^{34}\) both include a standard form of licence to perform in activities abroad. These forms must include the name of the applicant applying for the licence is defined within the Scottish Regs as the person responsible for the production of the performance in which the child is to take part; or the person responsible for the organisation of, or engaging the child in, the activity.

Although it is not strictly a requirement of the primary 1933 Act and there is no definition of applicant in the English Regs, it is intended the responsible person i.e. the producer, obtains a licence from the court as they are the sole entity responsible for ensuring compliance with the licence conditions.

### 8.3. **HOW LONG DOES IT TAKE?**

It can take 14 days for a licence to be granted. This period takes into account the 7 day period following serving notice on the police plus the 7 days it can take for the court to prepare the file for your hearing. However, it is recommended you contact the local court who will be able to advise how long their particular process will take.

### 8.4. **WHAT UK COUNTRIES DOES THE 1933 ACT APPLY TO?**

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\(^{32}\) Section 25

\(^{33}\) Part 6 of the Children (Performances and Activities) (England) Regulations 2014

\(^{34}\) Part 7 of the Children (Performances and Activities) (Scotland) Regulations 2014
Children and Young Persons Act 1933 generally applies to England and Wales but the child licensing provisions in the 1933 Act extend to Scotland and Northern Ireland. This means the requirements to licence children going abroad.

Applicants should note that no licence is required for work in Ireland.

8.5. **WHERE DO YOU APPLY TO TAKE A CHILD ABROAD?**

You should apply to your local court. You should contact that court office in advance to find out how such applications are dealt with as procedures may vary slightly from each court.

The local court to contact varies by location:

- In England and Wales this is the local Magistrates’ Court;
- In Scotland this is the local Justice of the Peace Court;
- In Northern Ireland this is the local Court of Summary Jurisdiction.

Not every Magistrates Court is aware of this requirement but we understand that Westminster, Salford, Bristol and Swansea are experienced at dealing with this type of licence.

8.6. **THE AGE OF THE CHILD YOU NEED TO LICENCE IN COURT**

If the child (or children) is under compulsory school leaving age, you will need a licence before taking them abroad. England, Scotland, Wales and Northern Ireland have different ways to apply the compulsory school leaving age. See Section 2.1 of this guidance note.

8.7. **SCHOOL HOLIDAYS**

If the visit is to be undertaken wholly during the school holidays a licence will still be required but no permission from the school will be needed, you may however wish to contact the school in any event to advise them of the child’s involvement in the production. This may be helpful in situations where the programme is aired during school time and the school are able to assist in managing and notifying you of potential issues arising with the child or its peers.

8.8. **THE APPLICATION REQUIREMENTS**

The following is needed:

- The application for licence form
- The notice to Police form
- A declaration form for children under compulsory school leaving age
- An additional application form
- A copy of the contract signed by both parties detailing the type and extent of the work that the child will be expected to undertake.

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35 s30 of the Children and Young Persons Act defines ‘abroad’ as outside Great Britain and Ireland.
36 You should be able to obtain this from your local court.
37 You should be able to obtain this from your local court.
38 You should be able to obtain this from your local court.
39 You should be able to obtain this from your local court.
• A letter of consent signed by both parents (if the child is from a one parent family this will not cause a problem, but please write a covering letter of explanation)
• A copy of the child’s Birth Certificate
• A letter or certificate from a Doctor stating that the child is fit to travel
• A letter of consent from the Head Teacher of the child’s school quoting the relevant dates (unless the filming is to take place during school holidays)
• A fee of £25\(^{40}\) for each child.

8.9. WHAT DOCUMENTS DO YOU HAVE TO SERVE ON THE POLICE?

The below must be sent to the Chief Officer of Police for the District\(^ {41}\) in which the child resides.

• The application for Licence,
• The notice to the Police,
• A copy of the contract signed by both parties detailing the type and extent of the work that the child will be expected to undertake.

At least 7 clear days’ notice must be given before the Court hearing is due to take place so that the Police may make appropriate enquiries or raise any objections to the grant of the Licence.

Police forces vary in their approach – some may do background checks whilst others may wish to talk to the parents about the proposed visit.

A short report may be sent to Court or alternatively, nothing further may be heard. Please note that a fee may be payable to enable the appropriate checks to be carried out.

8.10. INFORMATION ABOUT THE COURT

8.10.1. Giving notice to the Court

You should start the application process at least 7 clear days before the application is to be made to allow the Court adequate time to make up a file containing all the necessary paperwork. If you have only some of the necessary documents and the child is due to travel very shortly you should contact the Court without delay so that a file can be opened and, if relevant, an appointment made for the Application hearing to take place. Send in the documents as soon as they are obtained to ensure they reach the court before the hearing.

8.10.2. Advance Appointments

If the child is due to travel the following week you can make an appointment in advance – at the same time as requesting the Application forms – but you must ensure that all necessary paperwork reaches the Court at least 5 days before the hearing.

\(^{40}\) Accurate as of March, 2015
\(^{41}\) Section 25(3) of the Children and young Persons Act 1933
8.10.3. **At Court**

You should be given an appointment for you to attend Court at 10am/2pm on a pre-arranged day and you will be met initially by the duty clerk who will confirm that the Application is in order and can be put before a District Judge.

You will see the District Judge in his room or in the courtroom and you may be asked questions about the Application.

You will be asked to take an oath or affirm that you will give true answers to any questions that the District Judge may wish to ask you.

The District Judge will wish to know details of the travelling arrangements, hotel accommodation, and who will chaperone the child or children whilst abroad. He may wish to have a further explanation of the work that the child will be expected to undertake.

If the District Judge is satisfied that the child or children will be well cared for whilst away, the Licence will be signed and you will be given two copies of it. You will also be informed of the address of the British Consulate that should be telephoned on arrival at your destination.

You may also be required to sign a surety form or a guarantee that requires you to promise to pay a sum of up to £1000.00 should there be a breach of the Licence. You should note this requirement is not part of the Act or Regulations can be insisted upon by the Court.

8.11. **WHAT DO YOU NEED TO DO WHEN THE CHILD RETURNS?**

On return to this country you will be required to inform the Court that issued the Licence in writing that the child has returned safe and well, and provide brief details of the work undertaken, breaks given and tuition provided whilst the child was away. You may also wish to consider notifying the child’s licensing authority so they are able to retain records of the number of performances the child has undertaken.
9. **WHAT LAW DO YOU APPLY TO THE CHILD?**

The below tables sets out what law applies to the child you are filming with depending on where they are from in the UK.

It can mean if you are filming with children from Scotland, England and Wales that different hours and conditions apply to that child.

9.1. **TABLE OF WHAT LAW APPLIES**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Children living in <strong>England</strong> taking part in a performance/activity in Great Britain.</td>
<td>V</td>
<td>V</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children living in <strong>Scotland</strong> taking part in a performance/activity in Great Britain.</td>
<td>V</td>
<td></td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children living in <strong>Wales</strong> taking part in a performance/activity in Great Britain.</td>
<td>V</td>
<td></td>
<td></td>
<td></td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children living in <strong>Northern Ireland</strong> taking part in a performance/activity in Great Britain.</td>
<td>V</td>
<td>V²²</td>
<td>V²³</td>
<td>V³⁴</td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children living in <strong>Northern Ireland</strong> taking part in a performance/activity in Northern Ireland.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Child is <strong>not</strong> a resident of the UK; • you apply the law of the licensing authority where the performance/ filming is taking place in the UK. Or In the event of filming taking place in multiple locations: • the law of the licensing authority of the business address of the production company is based or, • the filming production base</td>
<td>V</td>
<td>V</td>
<td>V³²</td>
<td>V³³</td>
<td>V³⁴</td>
<td>V</td>
<td>V</td>
</tr>
<tr>
<td>A child resident in UK taking part in a performance or activity abroad (not including Ireland).</td>
<td>V</td>
<td>V</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

42 Dependent on the location of the company’s place of business
43 Dependent on the location of the company’s place of business
44 Dependent on the location of the company’s place of business
9.2 NORTHERN IRELAND

The filming of children in Great Britain is regulated by the England, Scotland and Wales 1968 Regs. These Regulations require a production company to obtain licences to film with children in Great Britain. Where children resident in Northern Ireland are engaged to work in Great Britain, it is necessary to obtain a licence for the child from their local library and education board as well as the licensing authority local to the company’s registered office in Great Britain. If the company’s registered office is located in Northern Ireland, a licence must be obtained from the licensing authority local to the production base in Great Britain.

9.3 REPUBLIC OF IRELAND

In Ireland, the system only applies to employment situations. The law that applies for children who are deemed in employment can be found in the Protection of Young Persons (Employment Act 1996). In film, cultural, advertising work or sport a licence must be obtained by the Minister for Jobs, Enterprise and Innovation. The type of activities for which licence applications are made would typically be television, commercials or films that require the presence of a child. The licence sets out the conditions under which the child(ren) may be employed, such as general conditions about parental consent, supervision and education arrangements, and the maximum working times and minimum breaks appropriate to each group.

The employer should apply in writing for a licence at least 21 days before the employment commences. Application are e processed by:

Workplace Relations Licensing Section, Department of Jobs, Enterprise and Innovation, O’Brien Road, Carlow.

A useful guidance note on the conditions of the licence and process is available at: http://www.workplacerelations.ie/en/Publications_Forms/Notes_on_Employing_Young_Persons_in_Film_TV.pdf

Applications forms for a licence and further details can be obtained from here: http://www.workplacerelations.ie/en/What_You_Should_Know/Employment_of_Children_and_Young_Persons/

You should also be aware that when filming with an Irish resident child in the UK, that child will also be subject to the UK regime and you should seek a licence from the licensing authority of where the performance will take place, or if taking place in numerous locations you can consider where your company is based.

9.4 UK ISLANDS

When filming children in Great Britain who are resident in one of the UK Islands it is necessary to obtain a licence to film with them in Great Britain from the authority local to the production company’s registered office (or in the absence of a registered office, the production base). It will also be necessary to obtain a licence from the authority local to the child. It is essential to check which regulations govern the licensing regime of each island when preparing the licence application.

45 England, Scotland and Wales only.
10. OVERVIEW OF THE HOURS AND CONDITIONS THAT APPLY TO CHILDREN IN THE UK?

10.1. ENGLAND
The licensing authority must impose any condition it feels necessary to ensure:

- the child is fit to take part in the performance/activity
- proper provision is made to secure the child’s health and kind treatment
- proper provision is made to ensure the child’s education will not suffer

This section explains the possible conditions laid out in the relevant Regulations. **You must consider all conditions in light of the specific child to which the licence relates and their unique needs and remember these may be varied by the licensing authority when the licence is issued.**

Any additional conditions provided by the licence must be strictly adhered to and a local authority will want to see how any conditions they have provided are being adhered to during a site inspection.

10.1.1. Education
The licensing authority must satisfy itself that the child’s education will not suffer as a result of taking part in your performance. It must approve all proposed arrangements for education for the duration of the licence as well as the place the education is to be received. If it is not satisfied by the proposed education elements of a licence application, a licence will not be granted.

10.1.2. Private teacher
A private teacher must be suitable to teach the child and properly provide a satisfactory course of study. Producers should take into account relevant qualifications when assessing the suitability of a private teacher to properly teach a course of study must developed in conjunction with the child’s school and the chosen teacher to take into account any particular needs.

The teacher must not teach any more than 6 children at any given time; or up to 12 children of a similar educational standard. The educational needs of each child must be assessed when determining a suitable ratio for the teacher.

10.1.3. Hours
When aggregated, a child must receive no less than 3 hours of education for each licensed day they would ordinarily attend a local authority maintained school.

There is no requirement to provide tutoring to children during school holidays but please note the holiday periods of the local authority maintained schools apply regardless of whether the child is home schooled or attends an independent school.

Check term dates with local authorities early, as it is possible children from different regions will be attending school at different times.

Educational hours can be aggregated across a 4 week period on the condition tutoring is provided:

- No less than 6 hours per week
- Not more than 5 hours per day
- No less than 30 minutes at a time
A child may be tutored at any time within the hours they are permitted to be in attendance (see section 10.1.10 below). However, consideration should be given for the child’s attention span, tiredness and wellbeing in addition to the schooling schedule to which they have grown accustomed, when scheduling any tutoring sessions.

10.1.4. Chaperones
All chaperones must be approved by the local authority. A chaperone is responsible for supervising children whilst in your care; during performances and whilst staying in accommodation provided by you as a condition of the child’s licence.

The chaperone role is to have care and control of the child and safeguard, support and promote their wellbeing whilst in your care. They are expected by the local authority to ensure you are adhering to the conditions of the licence and the Regulations. To allow the chaperone to fulfil their obligations to the local authority and to help you correctly observe the conditions of your licence, chaperones must be aware of the relevant terms of the licence. It is for the producer to decide the method by which the chaperone is informed of the licence terms and conditions; whether that be a summary of the conditions or access to the secure location in which the licences are kept.

The maximum number of children a chaperone may care for at any time is 12. This ratio must be determined by the producer based on the age and sex of the children involved and whether any children have particular needs that may prevent the chaperone from carrying out its duties to others.

Where a chaperone is also acting as a teacher the maximum number of children permitted to be in their care is 3.

Where a child falls ill or sustains an injury whilst in the care of the chaperone, you as the licence holder are obligated to inform the parent named on the licence and both the Licensing and Host Local Authority.

Any breaches of the licence are to be reported to the local authority. The chaperone is obligated to intervene when it determines a child’s wellbeing may be put in danger. If the producer proceeds with the potentially harmful activity the chaperone is obligated to inform the local authority who will investigate as they deem it necessary.

10.1.5. Chaperone Discretion
A chaperone may allow a child to film beyond the attendance hours detailed above for up to 1 hour provided:

- The total number of performance hours applicable will not be exceeded; and
- The welfare of the child will not be prejudiced; and
- The conditions requiring a performance outside of the attendance hours were out of the producer’s control

When a chaperone exercises this discretion the producer is obligated to ensure the chaperone notifies the Licensing and Hosting Authorities the next day and provide reasons for the decision.

A chaperone may reduce a meal break to no less than 30 minutes where a child is taking part in performance/rehearsal outside provided the maximum number of hours the child is permitted to take part in a performance/rehearsal is not exceeded.
10.1.6. Accommodation
Any accommodation provided during the licence period must be approved by the licensing authority. The licensing authority may place conditions on any proposals for accommodation conducive to the child’s welfare including:

- provision of transport from the place of accommodation to the place of rehearsal or performance
- suitable arrangements are made for meals

10.1.7. Place of performance/rehearsal
The Licensing authority is obligated to approve any place of performance or rehearsal; as part of the licence application process. The authority must not grant a licence unless it is satisfied that suitable arrangements have been made with regard to the child’s age, the nature of the performance, time and duration.

Suitable arrangements must be made for:

- Provisions of meals
- the child to dress for the performance rehearsal or activity (over 5s must be provided with separate sex dressing room facilities)
- the child’s rest and recreation

There must also be suitable and sufficient toilet and washing facilities in addition to adequate protection against inclement weather.

10.1.8. Travel
You must ensure suitable arrangements are made to take the child home (or to any other destination approved by parents) at the end of each day having regard to the individual needs of the child.

10.1.9. Activities permissible within one day
The English Regs revoke the 1963 regs entirely so that there is no longer a restriction on the number of activities a child can take part in in any given day.

10.1.10. Earliest and latest times at place of performance or rehearsal

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earliest and latest times at place of performance or rehearsal</td>
<td>7am - 10pm</td>
<td>7am - 11pm</td>
<td></td>
</tr>
</tbody>
</table>

These are the absolute earliest and latest times possible. Continuously working until the latest permissible hour of continuously starting at the earliest hour is not expected. It is for the License Authorities to approve whether the proposed earliest and latest times are suitable for the child.

This regulation does not apply where the place of performance is where the child ordinarily lives or receives education. For example, the licensable, directed elements of an observational documentary hybrid (see section 4.2.7) may be arranged outside of these hours. The proposal however will still need to be approved by the Licensing Authority who will consider whether the proposed times are suitable and in the best interest of the child.

It is essential to remember that the latest possible time of attendance not performance. All performance/activity must be complete ahead of the latest possible time and the amount of time required to wrap (removing costume etc) must be considered when scheduling.
Where children are to be attending school following a performance, the child should finish at a reasonable hour to make sure they can receive adequate rest ahead of the next day of schooling.

10.1.11. 
Attendance at a place of performance or rehearsal and hours of performance

<table>
<thead>
<tr>
<th>Maximum number of hours at the place of rehearsal or performance</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 hours</td>
<td>8 hours</td>
<td>9.5 hours</td>
</tr>
</tbody>
</table>

This is the maximum number of hours a child may attend a place of performance on a day. This is to include all tutoring, breaks, performance and rehearsals required during that day.

It is important to note that where a child is licensed for an additional activity on the same day that you are to be working with a child the Licensing Authority may impose an attendance condition allowing both parties to share the attendance hours for the child.

<table>
<thead>
<tr>
<th>Maximum period of continuous rehearsal or performance</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30 minutes</td>
<td>2.5 hours</td>
<td></td>
</tr>
</tbody>
</table>

This is a maximum period and the child’s age and unique circumstances should be considered when scheduling. It may not always be in the best interest of a 5 year old to perform continuously for 2.5 hours. This particular provision was intended to capture a rehearsal or warm up before a performance allowing a child to be physically and vocally prepared for the performance.

<table>
<thead>
<tr>
<th>Maximum number of hours for the entire performance or rehearsal</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 hours</td>
<td>3 hours</td>
<td>5 hours</td>
</tr>
</tbody>
</table>

Again, this is a maximum amount and should the child’s welfare should be considered when scheduling.

10.1.12. 
Breaks

<table>
<thead>
<tr>
<th>Minimum rest and meal breaks</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>All breaks must be for a minimum duration of 15 minutes.</td>
<td>If present between 4-8 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other break for at least 15 minutes.</td>
<td>1.5 hour break is required between performances however, 45 minute break may be used where: the first performance is less than 1 hour; and the following performance takes place at the same location or there is no time required to travel from one place of performance to the next.</td>
<td></td>
</tr>
<tr>
<td>Any time not used for performance must be used for meals, rest, education and recreation.</td>
<td>If present for 8 or more consecutive hours: 3 breaks; 1 meal break for at least 1 hour, the other breaks for at least 15 minutes.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is the minimum number of breaks required during a day. Additional breaks must be considered based on the individual needs of the child. A 45 minute meal break is a minimum requirement however it is not the general expectation and a 1 hour meal break should be considered in all circumstances.
10.1.13. Minimum breaks overnight
At a minimum a child must have an overnight break of least 12 hours break between attendance at a place of performance. The Licensing Authority may impose conditions to lengthen this break based on factors such as commute times and whether the child is attending the school the following day.

10.1.14. Maximum number of consecutive days of performance
A license can be granted for a maximum number of 6 days per week. However this is not the general expectation and should only be considered if a 6 day week is in the child’s best interest, for example where it causes minimal disruption to schooling.

Where a child works 6 day weeks for 8 consecutive weeks a 14 day break from performance/rehearsal is required. This restriction does not apply where the number of days specified in a child’s licence on which they can perform is fewer than 60.

10.1.15. Night work
A Licensing Authority may permit a child to take part in a performance/rehearsal outside of the latest and earliest permitted hours provided:

- The number of hours the child performs both inside and outside the earliest and latest attendance hours must not exceed the total performance hours for the day
- The child must have at least a 16 hour break between attendance at the place of performance and their return to the place of performance.
- Where the child takes part in a performance outside the latest and earliest times on two consecutive days, no further night work is permitted for 7 day
### Hours of Work, Rest Breaks and Meal Breaks

<table>
<thead>
<tr>
<th>Maximum number of hours at the place of rehearsal or performance</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours</td>
<td>7am - 10pm</td>
<td>7am - 11pm</td>
<td>9.5 hours</td>
</tr>
<tr>
<td>Maximum period of continuous rehearsal or performance</td>
<td>30 minutes</td>
<td>2.5 hours</td>
<td>This is a maximum. The child’s age and the activity should be taken into consideration when determining the necessary continuous performance hours within a day. For example if a warm up or rehearsal is needed before a performance.</td>
</tr>
<tr>
<td>Maximum number of hours for the entire performance or rehearsal</td>
<td>2 hours</td>
<td>3 hours</td>
<td>5 hours</td>
</tr>
<tr>
<td>Minimum rest and meal breaks</td>
<td>All breaks must be for a minimum duration of 15 minutes. Any time not used for performance must be used for meals, rest, education and recreation. If present between 4-8 consecutive hours: 2 breaks; 1 meal break for at least 45 minutes, the other break for at least 15 minutes. If present for 8 or more consecutive hours: 3 breaks; 1 meal break for at least 45 minutes, the other breaks for at least 15 minutes 1.5 hour break is required between performances however, 45 minute break may be used where: the first performance is less than 1 hour; and the following performance takes place at the same location or there is no time required to travel from one place of performance to the next.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education hours</td>
<td>NA</td>
<td>3 hours per day can be aggregated across a license period of up to 4 weeks 1-5 hours of tutoring can be provided on any given day</td>
<td></td>
</tr>
<tr>
<td>Maximum number of days per week</td>
<td>8 days</td>
<td>Following 8 weeks of consecutive 6 day weeks a 14 day break from all employment is required. This is a minimum. The child’s age and the activity should be taken into consideration when determining whether it is necessary to work a 6 day week. For example where it prevents additional shooting. A 5 day week is generally expected</td>
<td></td>
</tr>
<tr>
<td>Maximum number of days per year</td>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum breaks overnight</td>
<td>12 hours between attendance at a place of performance/rehearsal. This is a minimum. The activity and travel should be taken into consideration when scheduling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Night work</td>
<td>A licence can be granted outside of the permitted hours provided: attendance and performance hours are counted as usual the next performance is scheduled for a minimum of 16 hours after the end of the night hours. If a child performs after the latest permitted hour on 2 consecutive days no further ‘night’ work can be scheduled for 7 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chaperones</td>
<td>1 chaperone: 12 children 1 chaperone also working as a teacher: 3 children <strong>Chaperone discretion</strong> Chaperone may allow the child to take part in a performance up to 1 hour beyond the permitted hours in exceptional circumstances if: The total number of performance hours has not been exceeded; and The child’s welfare is not effected Chaperone may curtail 1 meal break to no less than 30 minutes if: The child is performing outside; and The total number of performance hours has not been exceeded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tutors</td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10.2. **SCOTLAND**  
The licensing authority must impose any condition it feels necessary to ensure:

- the child is fit to take part in the performance/activity  
- proper provision is made to secure the child’s health and kind treatment  
- proper provision is made to ensure the child’s education will not suffer

This section explains the possible conditions laid out in the relevant Regulations. **You must consider all conditions in light of the specific child to which the licence relates and their unique needs and remember these may be varied by the licensing authority when the licence is issued.**

Any additional conditions provided by the licence must be strictly adhered to and a local authority will want to see how any conditions they have provided are being adhered to during a site inspection.

10.2.1. **Number of performing days**

Except for in exceptional circumstances a licence will not be granted a licence for a child who has performed 80 days in the year prior to the first date on a licence application regardless of the child’s age. This includes performances under the 4 day rule.

When considering a licence application beyond the maximum 80 days the Licensing Authority will take into account the overall employment of the child in the 28 days prior to the first day of the licence application.

10.2.2. **Education**

The licensing authority must satisfy itself that the child’s education will not suffer as a result of taking part in your performance. It must approve all proposed arrangements for education for the duration of the licence as well as the place the education is to be received. If it is not satisfied by the proposed education elements of a licence application, a licence will not be granted. Where a child is required to be absent from school for more than 5 days tutoring must be provided.

10.2.3. **Private teacher**

A private teacher must be suitable to teach the child and properly provide a satisfactory course of study. Producers should take into account relevant qualifications when assessing the suitability of a private teacher to properly teach a course of study developed in conjunction with the child’s school and the chosen teacher to take into account any particular needs. Licensing Authorities will consider a teacher’s previous experience, qualifications and registration with relevant professional bodies. It is expected the teacher will be a member of the Protecting Vulnerable Groups Scheme.

The teacher must not teach any more than 6 children at any given time; or up to 12 children of a similar educational standard. The educational needs of each child must be assessed when determining a suitable ratio for the teacher.

10.2.4. **Education Hours**

When aggregated, a child must receive no less than 3 hours of education for each licensed day they would ordinarily attend a local authority maintained school.

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47 Regulation 10  
48 Regulation 12
There is no requirement to provide tutoring to children during school holidays but please note the holiday periods of the local authority maintained schools apply regardless of whether the child is home schooled or attends an independent school.

Check term dates with local authorities early, as it is possible children from different regions will have different term dates.

Educational hours can be aggregated across a 4 week period on the condition tutoring is provided:

- No less than 6 hours per week
- Not more than 5 hours per day
- No less than 30 minutes at a time

A child may be tutored at any time within the hours they are permitted to be in attendance (see section 10.2.12 below). However, the child’s attention span, tiredness and wellbeing in addition to the schooling schedule to which they have grown accustomed, should be considered when scheduling any tutoring sessions.

It is possible for participation in a performance to offer an opportunity for learning and may count towards the educational requirements. The extent to which a performance may be considered educational must be discussed with the child’s head teacher, private teacher and parents before receiving final approval from the Licensing Authority.

10.2.5. Chaperones

All chaperones must be approved by the local authority. As a condition of the child’s licence a chaperone is responsible for supervising children whilst in your care; during performances and whilst staying in accommodation provided by you.

The chaperone role is to have care and control of the child and safeguard, support and promote their wellbeing whilst in your care. They are expected by the Local Authority to ensure you are adhering to the conditions of the licence and the Regulations.

Chaperones are expected to be members of the Protecting Vulnerable Groups Scheme.

With the exception of legal guardians, Chaperones must be approved by the Local Authority. The following checklist is recommended by the Scottish Government to help Licensing Authorities assess the suitability of chaperones. Once a chaperone has been approved, their details will be retained and published by Licensing Authorities to streamline the approval process and assist producers in finding suitable chaperones.

**Essential Criteria**

- Demonstrable experience of working with children and young people, including previous experience of acting as a chaperone to children and young people.
- 2 character references
- Photo ID
- Current membership of Protection of Vulnerable Groups scheme
- Doctor’s confirmation that they are fit and well – as required
- Details of any previous and / or current listing on another licensing authority’s administrative chaperone register
- Face to face interview
Desirable Criteria

- Awareness of the UNCRC and the rights of the Child\(^{51}\)
- Knowledge of the Common Core of Skills, Knowledge and Understanding & Values for the Children’s Workforce\(^{52}\)
- Awareness of Getting it Right for Every Child\(^{53}\)
- Awareness of the concept of Wellbeing and how to promote the wellbeing of children of varying ages.

To allow the chaperone to fulfil their obligations to the Local Authority and to help you correctly observe the conditions of your licence, chaperones must be aware of the relevant terms of the licence. It is for the producer to decide the method by which the chaperone is informed of the licence terms and conditions; whether that be a summary of the conditions or access to the secure location in which the licences are kept.

The maximum number of children a chaperone may care for at any time is 10. This ratio must be determined by the producer based on the age and sex of the children involved and whether any children have particular needs that may prevent the chaperone from carrying out its duties to others.

Where a chaperone is also acting as a teacher the maximum number of children permitted to be in their care is 3.

Where a parent is exercising their right to chaperone their child, they are not qualified to chaperone any other children on set and cannot engage in any other activity, for example as another contributor to the programme.

10.2.6. Chaperone reporting obligations

Where a child falls ill or sustains an injury whilst in the care of the chaperone, you as the licence holder are obligated to inform the parent named on the licence and both the Licensing and Host Local Authority.

The chaperone is obligated to intervene when it determines a child’s wellbeing may be put in jeopardy. If a chaperone has concerns regarding a child’s wellbeing production should endeavour to quickly resolve the issue. If this does not happen and a chaperone considers there to have been a licence breach they are obligated to report the matter to the Local Authority who will investigate as they deem it necessary.

10.2.7. Chaperone Discretion\(^{54}\)

To allow for unexpected circumstances a chaperone may allow a child to film beyond the attendance hours detailed above for up to 30 minutes provided:

- The total number of performance hours applicable will not be exceeded; and
- The welfare of the child will not be prejudiced; and
- The conditions requiring a performance outside of the attendance hours were out of the producer’s control

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\(^{52}\) ibid

\(^{53}\) ibid

\(^{54}\)
When a chaperone exercises this discretion the producer is obligated to ensure the chaperone notifies the Licensing and Hosting Authorities the next day and provide reasons for the decision.

A chaperone may reduce one meal break to no less than 30 minutes where a child is taking part in performance/rehearsal outdoors provided the maximum number of hours the child is permitted to take part in a performance/rehearsal is not exceeded.

**10.2.8. Accommodation**

Any accommodation provided during the licence period must be approved as appropriate by the licensing authority. The licensing authority may place conditions on any proposals for accommodation to protect the child’s welfare including:

- provision of transport from the place of accommodation to the place of rehearsal or performance
- suitable arrangements are made for meals

The Licensing Authority will also consider whether the accommodation is clean, comfortable and suitably private.

**10.2.9. Place of performance/rehearsal**

The Licensing authority is obligated to approve any place of performance or rehearsal; as part of the licence application process. The authority must not grant a licence unless it is satisfied that suitable arrangements have been made with regard to the child’s age, the nature of the performance, time and duration.

Suitable arrangements must be made for:

- Provisions of meals
- the child to dress for the performance rehearsal or activity (over 5s must be provided with separate sex dressing room facilities)
- the child’s rest and recreation

There must also be suitable and sufficient toilet and washing facilities in addition to adequate protection against inclement weather.

**10.2.10. Travel**

You must ensure suitable arrangements are made to take the child home (or to any other destination approved by parents) at the end of each day having regard to the individual needs of the child. Overnight accommodation should be considered as an alternative to frequent travel where appropriate.

**10.2.11. Activities permissible within one day**

A child may only take part in a rehearsal or performance of the same nature on any given day. Further, a child may not be employed in any other employment on the day of a performance/rehearsal or the day after. This applies to both licensed and unlicensed performances.

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

<table>
<thead>
<tr>
<th>Earliest and latest times at</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8am - 8pm</td>
<td>7am - 11pm</td>
<td></td>
</tr>
</tbody>
</table>

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55 Regulation 15
56 Regulation 16
57 Regulation 23 and 24
These are the absolute earliest and latest times possible. Continuously working until the latest permissible hour of continuously starting at the earliest hour is not expected. It is for the License Authorities to approve whether the proposed earliest and latest times are suitable for the child.

This regulation does not apply where the place of performance is where the child ordinarily lives or receives education. For example, the licensable, directed elements of an observational documentary hybrid (see section 4.2.7) may be arranged outside of these hours. The proposal however will still need to be approved by the Licensing Authority who will consider whether the proposed times are suitable and in the best interest of the child.

It is essential to remember that the latest possible time of attendance not performance. All performance/activity must be complete ahead of the latest possible time and the amount of time required to wrap (removing costume etc) must be considered when scheduling.

Where children are to be attending school following a performance, the child should finish at a reasonable hour to make sure they can receive adequate rest ahead of the next day of schooling.

### 10.2.13. Attendance at a place of performance or rehearsal and hours of performance

<table>
<thead>
<tr>
<th>Maximum number of hours at the place of rehearsal or performance</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum period of continuous rehearsal or performance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum number of hours for the entire performance or rehearsal</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is the maximum number of hours a child may attend a place of performance on a day. This is to include all tutoring, breaks, performance and rehearsals required during that day.

It is important to note that where a child is licensed for an additional activity on the same day that you are to be working with a child the Licensing Authority may impose an attendance condition allowing both parties to share the attendance hours for the child.

This is a maximum period and the child’s age and unique circumstances should be considered when scheduling. It may not always be in the best interest of a 5 year old to perform continuously for 2.5 hours. This particular provision was intended to capture a rehearsal or warm up before a performance allowing a child to be physically and vocally prepared for the performance.

This is a maximum amount and should the child’s welfare should be considered when scheduling.
10.2.14. Breaks

<table>
<thead>
<tr>
<th>Minimum rest and meal Breaks</th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>All breaks must be for a minimum duration of 15 minutes. Any time not used for performance must be used for meals, rest, education and recreation.</td>
<td></td>
<td>If present between 4-8 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other break for at least 15 minutes.</td>
<td>If present for 8 or more consecutive hours: 3 breaks; 1 meal break for at least 1 hour, the other breaks for at least 15 minutes 1.5 hour break is required between performances however, 45 minute break may be used where: the first performance is less than 1 hour; and the following performance takes place at the same location or there is no time required to travel from one place of performance to the next.</td>
</tr>
</tbody>
</table>

This is the minimum number of breaks required during a day. Additional breaks must be considered based on the individual needs of the child. A 45 minute meal break is a minimum requirement however it is not the general expectation and a 1 hour meal break should be considered in all circumstances.

10.2.15. Minimum breaks overnight
As a minimum a child must have an overnight break of least 12 hours break between attendance at a place of performance. The Licensing Authority may impose conditions to lengthen this break based on factors such as commute times and whether the child is attending the school the following day.

10.2.16. Maximum number of consecutive days of performance
A license can be granted for a maximum number of 6 days per week. However this is not the general expectation and should only be considered if a 6 day week is in the child’s best interest, for example where it causes minimal disruption to schooling.

Where a child works 6 day weeks for 8 consecutive weeks a 14 day break from performance/rehearsal is required. This restriction does not apply where the number of days specified in a child’s licence on which they can perform is fewer than 60.

10.2.17. Break in performances
If a child takes part in a performance for 6 days per week over a period of 8 consecutive weeks the child must not take part in any employment of performance for 14 days. Unless the number of days specified in the licence is less than 60.

10.2.18. Night work
A Licensing Authority may permit a child to take part in a performance/rehearsal outside of the latest and earliest permitted hours provided:

- The number of hours the child performs both inside and outside the earliest and latest attendance hours must not exceed the total performance hours for the day
- The child must have at least a 16 hour break between attendance at the place of performance and their return to the place of performance.
- Where the child takes part in a performance outside the latest and earliest times on two consecutive days, no further night work is permitted for 7 days.
### Hours of Work, Rest Breaks and Meal Breaks

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum number of hours at the place of rehearsal or performance</strong></td>
<td>5 hours</td>
<td>8 hours</td>
<td>9.5 hours</td>
</tr>
<tr>
<td><strong>Hours</strong></td>
<td>8am – 8pm</td>
<td>7am – 11pm</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum period of continuous rehearsal or performance</strong></td>
<td>45 minutes</td>
<td>1 hour</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum number of hours for the entire performance or rehearsal</strong></td>
<td>2 hours</td>
<td>3 hours</td>
<td>4 hours</td>
</tr>
<tr>
<td><strong>Minimum rest and meal breaks</strong></td>
<td>For every 45 minutes of continuous performance: 1 break of no less than 15 minutes. Any time not used for performance must be used for meals, rest, education and recreation.</td>
<td>For every 1 hour of continuous performance: 1 break of no less than 15 minutes. For every 3.5 hours of attendance: 1 meal break of no less than 1 hour.</td>
<td>For every 1 hour of continuous performance: 1 break of no less than 15 minutes. For every 3.5 hours of attendance: 1 meal break of no less than 1 hour. For attendance over 8 consecutive hours: 2 meal breaks; the first no less than 1 hour, the second no less than 30 minutes.</td>
</tr>
<tr>
<td><strong>Education hours</strong></td>
<td>NA</td>
<td>Only applies to a child absent from school for more than 5 days during the licence period. 3 hours per day can be aggregated across a license period up to 4 weeks. 30 minutes-5 hours of tutoring can be provided on any given day with not less than 6 hours per week.</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum number of days per week</strong></td>
<td>6 days</td>
<td>Following 8 weeks of consecutive 6 day weeks a 14 day break from all employment is required. This is a maximum. The child’s age and the activity should be taken into consideration when determining whether it is necessary to work a 6 day week. For example where it prevents additional shooting. A 5 day week is generally expected.</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum number of days per year</strong></td>
<td>80 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum breaks overnight</strong></td>
<td>12 hours between attendance at a place of performance/rehearsal. This is a minimum. The child’s age, the activity and travel should be taken into consideration when scheduling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Night work</strong></td>
<td>A licence can be granted outside of the permitted hours provided:  - attendance and performance hours are counted as usual  - the next performance is scheduled for a minimum of 16 hours after the end of the night hours. If a child performs after the latest permitted hour on 2 consecutive days no further ‘night’ work can be scheduled for 7 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chaperones</strong></td>
<td>1 chaperone: 10 children  1 chaperone also working as a teacher: 3 children</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chaperone discretion</strong></td>
<td>Chaperone may allow the child to take part in a performance up to 30 minutes beyond the permitted hours in exceptional circumstances if:  The total number of performance hours has not been exceeded; and  The child’s welfare is not affected  Chaperone may curtail 1 meal break to no less than 30 minutes if:  The child is performing outside; and  The total number of performance hours has not been exceeded</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tutors</strong></td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10.3. **WALES**

The licensing authority must impose any condition it feels necessary to ensure:

- the child is fit to take part in the performance/activity
- proper provision is made to secure the child’s health and kind treatment
- proper provision is made to ensure the child’s education will not suffer

This section explains the possible conditions laid out in the relevant Regulations. **You must consider all conditions in light of the specific child to which the licence relates and their unique needs and remember these may be varied by the licensing authority when the licence is issued.**

Any additional conditions provided by the licence must be strictly adhered to and a local authority will want to see how any conditions they have provided are being adhered to during a site inspection.

10.3.1. **Education**

The licensing authority must satisfy itself that the child’s education will not suffer as a result of taking part in your performance. It must approve all proposed arrangements for education for the duration of the licence as well as the place the education is to be received. If it is not satisfied by the proposed education elements of a licence application, a licence will not be granted.

10.3.2. **Private teacher**

A private teacher must be suitable to teach the child and properly provide a satisfactory course of study. Producers should take into account relevant qualifications when assessing the suitability of a private teacher to properly teach a course of study developed in conjunction with the child’s school and the chosen teacher to take into account any particular needs. Licensing Authorities will consider a teacher’s previous experience, qualifications and registration with relevant professional bodies.

The teacher must not teach any more than 6 children at any given time; or up to 12 children of a similar educational standard. The educational needs of each child must be assessed when determining a suitable ratio for the teacher.

10.3.3. **Education Hours**

When aggregated, a child must receive no less than 3 hours of education for each licensed day they would ordinarily attend a hosting authority maintained school. There is no requirement to provide tutoring to children during school holidays.

Educational hours can be aggregated across a 4 week period on the condition tutoring is provided:

- No less than 6 hours per week
- Not more than 5 hours per day
- No less than 30 minutes at a time

A child may only be tutored between the hours of 9.00am-4.00pm.

10.3.4. **Chaperones**

All chaperones must be approved by the local authority. As a condition of the child’s licence a chaperone is responsible for supervising children whilst in your care; during performances and whilst staying in accommodation provided by you.
The chaperone role is to have care and control of the child and safeguard, support and promote their wellbeing whilst in your care. They are expected by the Local Authority to ensure you are adhering to the conditions of the licence and the Regulations.

Chaperones are expected to be members of the Protecting Vulnerable Groups Scheme. You must provide chaperones with the information they need to fulfil their legal responsibilities as a chaperone and the law on performances. Further, the chaperone must have completed child protection training to the level recommended by the Local Safeguarding Children Board.

To allow the chaperone to fulfil their obligations to the Local Authority and to help you correctly observe the conditions of your licence, chaperones must be aware of the relevant terms of the licence. It is for the producer to decide the method by which the chaperone is informed of the licence terms and conditions; whether that be a summary of the conditions or access to the secure location in which the licences are kept.

The maximum number of children a chaperone may care for at any time is 12. This ratio must be determined by the producer based on the age and sex of the children involved and whether any children have particular needs that may prevent the chaperone from carrying out its duties to others.

Where a chaperone is also acting as a teacher the maximum number of children permitted to be in their care is 3.

Where a parent is exercising their right to chaperone their child, they are not qualified to chaperone any other children on set and cannot engage in any other activity, for example as another contributor to the programme.

10.3.5. Chaperone reporting obligations

Where a child falls ill or sustains an injury whilst in the care of the chaperone, you as the licence holder are obligated to inform the parent named on the licence and both the Licensing and Host Local Authority.

The chaperone is obligated to intervene when it determines a child’s wellbeing may be put in jeopardy. If a chaperone has concerns regarding a child’s wellbeing production should endeavour to quickly resolve the issue. If this does not happen and a chaperone considers there to have been a licence breach they are obligated to report the matter to the Local Authority who will investigate as they deem it necessary.

10.3.6. Chaperone Discretion

To allow for unexpected circumstances a chaperone may allow a child to film beyond the attendance hours detailed below for up to 30 minutes provided:

- The total number of performance hours applicable will not be exceeded; and
- The welfare of the child will not be prejudiced; and
- The conditions requiring a performance outside of the attendance hours were out of the producer’s control

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61 http://www.disclosurescotland.co.uk/disclosureinformation/guidance.htm
62 Regulation 12(1A)
When a chaperone exercises this discretion the producer is obligated to ensure the chaperone notifies the Licensing and Hosting Authorities the next day.

A chaperone may reduce one meal break to no less than 30 minutes where a child is taking part in performance/rehearsal outdoors provided the maximum number of hours the child is permitted to take part in a performance/rehearsal is not exceeded.

10.3.7. Accommodation

Any accommodation provided during the licence period must be approved as appropriate by the licensing authority. The licensing authority may place conditions on any proposals for accommodation to protect the child’s welfare including:

- provision of transport from the place of accommodation to the place of rehearsal or performance
- suitable arrangements are made for meals

The Licensing Authority will also consider whether the accommodation is clean, comfortable and suitably private.

10.3.8. Place of performance/rehearsal

The Licensing authority is obligated to approve any place of performance or rehearsal; as part of the licence application process. The authority must not grant a licence unless it is satisfied that suitable arrangements have been made with regard to the child’s age, the nature of the performance, time and duration.

Suitable arrangements must be made for:

- Provisions of meals
- the child to dress for the performance rehearsal or activity (over 5s must be provided with separate sex dressing room facilities)
- the child’s rest and recreation

There must also be suitable and sufficient toilet and washing facilities in addition to adequate protection against inclement weather.

10.3.9. Travel

You must ensure suitable arrangements are made to take the child home (or to any other destination approved by parents) at the end of each day having regard to the individual needs of the child. Overnight accommodation should be considered as an alternative to long journeys where appropriate.

10.3.10. Earliest and latest times at place of performance or rehearsal

<table>
<thead>
<tr>
<th>Early and latest times at place of performance or rehearsal</th>
<th>Under 5</th>
<th>5-8</th>
<th>7.00am-7.00pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>*9.30am-4.30pm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.00am-4.30pm</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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64 Regulation 13  
65 Regulation 14  
66 Regulation 15
*When working under the 4-day rule, the earliest and latest possible times at the place of performance for an under 2 year old is 9.30am-4.00pm.

It is essential to remember that the latest possible time of attendance not performance. All performance/activity must be complete ahead of the latest possible time and the amount of time required to wrap (removing costume etc) must be considered when scheduling.

**10.3.11. Attendance at a place of performance or rehearsal and hours of performance**

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number of hours at the place of rehearsal or performance</td>
<td>3 hours</td>
<td>7.5 hours</td>
<td>9.5 hours</td>
</tr>
</tbody>
</table>

This is the maximum number of hours a child may attend a place of performance on a day. This is to include all tutoring, breaks, performance and rehearsals required during that day.

*When working under the 4-day rule the maximum number of hours of attendance for an under 2 year old is 3 hours.

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum period of continuous rehearsal or performance</td>
<td>30 minutes</td>
<td>45 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

*When working under the 4-day rule the maximum period of continuous performance or rehearsal for an under 2 year old is 20 minutes.

This is a maximum period and the child’s age and unique circumstances should be considered when scheduling.

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number of hours for the entire performance or rehearsal</td>
<td>2 hours</td>
<td>3 hours</td>
<td>4 hours</td>
</tr>
</tbody>
</table>

*When working under the 4-day rule, the maximum number of hours for the entire performance for an under 2 year old is 1 hour.

Again, this is a maximum amount and should the child’s welfare should be considered when scheduling.

**10.3.12. Breaks**

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rest and meal breaks</td>
<td>Any time not used for performance must be used for meals, rest, education and recreation.</td>
<td>If present for more than 3.5 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other break for at least 15 minutes.</td>
<td>If present for 4 consecutive hour: 2 breaks, one meal break for at least an hour, the other breaks at least 15 minutes</td>
</tr>
</tbody>
</table>

If present for 8 or more consecutive hours: 3 breaks; 1 meal break for at least 1 hour, the other breaks for at least 15 minutes

If present for 8 consecutive hours: 3 breaks, 2 must be meal breaks of at least an hour each, the others at least 15 minutes
This is the minimum number of breaks required during a day. Additional breaks must be considered based on the individual needs of the child.

10.3.13. Minimum breaks overnight
As a minimum a child must have an overnight break of at least 14 hours break between attendance at a place of performance. The Licensing Authority may impose conditions to lengthen this break based on factors such as commute times and whether the child is attending the school the following day.

10.3.14. Maximum number of consecutive days of performance
A license can be granted for a maximum number of 5 days per week. Where a child works 5 day weeks for 8 consecutive weeks a 14 day break from performance/rehearsal is required. This restriction does not apply where the number of days specified in a child’s licence on which they can perform is fewer than 60.

10.3.15. Night work
A Licensing Authority may permit a child to take part in a performance/rehearsal outside of the latest and earliest permitted hours provided:

- The number of hours the child performs both inside and outside the earliest and latest attendance hours must not exceed the total performance hours for the day
- The child must have at least a 16 hour break between attendance at the place of performance and their return to the place of performance.
- Where the child takes part in a performance outside the latest and earliest times on two consecutive days, no further night work is permitted for 7 days.

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67 Regulation 16
### Hours of Work, Rest Breaks and Meal Breaks

#### Wales

<table>
<thead>
<tr>
<th>Hours</th>
<th>0-2</th>
<th>2-4</th>
<th>5-8</th>
<th>9-16</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum number of hours at the place of rehearsal or performance</strong></td>
<td>5 hours</td>
<td><em>3 hours</em></td>
<td>7.5 hours</td>
<td>9.5 hours</td>
</tr>
<tr>
<td><strong>Hours</strong></td>
<td>9.30am – 4.30pm</td>
<td><em>9.30am-4pm</em></td>
<td>9am – 4.30pm</td>
<td>7am – 7pm</td>
</tr>
<tr>
<td><strong>Maximum period of continuous rehearsal or performance</strong></td>
<td>30 minutes</td>
<td><em>20 minutes</em></td>
<td>45 minutes</td>
<td>1 hour</td>
</tr>
<tr>
<td><strong>Maximum number of hours for the entire performance or rehearsal</strong></td>
<td>2 hours</td>
<td><em>1 hour</em></td>
<td>3 hours</td>
<td>4 hours</td>
</tr>
<tr>
<td><strong>Rest and meal breaks</strong></td>
<td>Any time not used for work must be used for meals or rest.</td>
<td>If present for more than 3.5 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other breaks at least 15 minutes</td>
<td>If present for 4 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other break for at least 15 minutes</td>
<td>If present for 8 consecutive hours: 3 breaks; 2 must be meal breaks of at least 1 hour each, the others at least 15 minutes</td>
</tr>
<tr>
<td><strong>Education hours</strong></td>
<td>NA</td>
<td>3 hours per day can be aggregated across a license period of 1-4 week</td>
<td>30 minutes-5 hours of tutoring can be provided on any given day between 9am-4pm with no less than 6 hours per week</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum number of days per week</strong></td>
<td>5 days</td>
<td>Following 8 weeks of consecutive 5 day weeks a 14 day break from all employment is required.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum number of days per year</strong></td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum breaks overnight</strong></td>
<td>14 hours between attendance at a place of performance/rehearsal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Night work</strong></td>
<td>A licence can be granted outside of the permitted hours provided:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- attendance and performance hours are counted as usual</td>
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<tr>
<td></td>
<td>- the next performance is scheduled for a minimum of 16 hours after the end of the night hours.</td>
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<td></td>
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<tr>
<td></td>
<td>If a child performs after the latest permitted hour on 2 consecutive days no further ‘night’ work can be scheduled for 7 days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chaperones</strong></td>
<td>1 chaperone: 12 children</td>
<td>1 chaperone also working as a teacher: 3 children</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chaperone discretion</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Chaperone may allow the child to take part in a performance up to 30 minutes beyond the permitted hours in exceptional circumstances if:</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>- the total number of performance hours has not been exceeded; and</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>- the child’s welfare is not affected</td>
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<tr>
<td></td>
<td>Chaperone may curtail 1 meal break to no less than 30 minutes if:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- the child is performing outside; and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- the total number of performance hours has not been exceeded</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tutor</strong></td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Applicable where the child is not licensed because of the ‘4-day rule’ exemption detailed at section 6.5

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68The Children (Performances) Regulations 1968 amended 2007
10.4. **Northern Ireland**
The licensing authority\(^{69}\) must impose any condition it feels necessary to ensure:

- the child is fit to take part in the performance/activity
- proper provision is made to the secure the child’s health and kind treatment
- proper provision is made to ensure the child’s education will not suffer

This section explains the possible conditions laid out in the relevant Regulations. **You must consider all conditions in light of the specific child to which the licence relates and their unique needs and remember these may be varied by the licensing authority when the licence is issued.**

Any additional conditions provided by the licence must be strictly adhered to and a local authority will want to see how any conditions they have provided are being adhered to during a site inspection.

10.4.1. **Maximum number of performing days**
A licensing authority will not grant a licence for a child over 13 years of age if they have taken part in other performances on 40 days within the preceding year. For children under 13 years of age the maximum number of performance days is 20.

There is a potential exception for filming for broadcast, film or public exhibition in the regulations that permits an extensions of 10 days provided the child:

- has not taken part in any other performance in the year preceding application; and
- the extension is required to continue the recording of an incomplete performance.

10.4.2. **Education**\(^{70}\)
The licensing authority must satisfy itself that the child’s education will not suffer as a result of taking part in your performance. It must approve all proposed arrangements for education for the duration of the licence as well as the place the education is to be received. If it is not satisfied by the proposed education elements of a licence application, a licence will not be granted.

10.4.3. **Private teacher**
A private teacher must be suitable to teach the child and properly provide a satisfactory course of study. Producers should take into account relevant qualifications when assessing the suitability of a private teacher to properly teach a course of study developed in conjunction with the child’s school and the chosen teacher to take into account any particular needs. Licensing Authorities will consider a teacher’s previous experience, qualifications and registration with relevant professional bodies.

The teacher must not teach any more than 6 children at any given time; or up to 12 children of a similar educational standard. The educational needs of each child must be assessed when determining a suitable ratio for the teacher.

10.4.4. **Education Hours**
When aggregated, a child must receive no less than 3 hours of education for each licensed day they would ordinarily attend a hosting authority maintained school. There is no requirement to provide tutoring to children during school holidays.

Educational hours can be aggregated across a 4 week period on the condition tutoring is provided:

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\(^{69}\)The Regulations refer to the authority as the education and library board. For the purpose of this guidance the authority shall hereon be referred to as the local authority.

\(^{70}\)Regulation 12
No less than 6 hours per week
Not more than 5 hours per day
No less than 30 minutes at a time

A child may only be tutored between the hours of 9.00am-4.00pm.

10.4.5. Chaperones

All chaperones must be approved by the local authority. As a condition of the child’s licence a chaperone is responsible for supervising children whilst in your care; during performances and whilst staying in accommodation provided by you.

The chaperone role is to have care and control of the child and safeguard, support and promote their wellbeing whilst in your care. They are expected by the Local Authority to ensure you are adhering to the conditions of the licence and the Regulations.

Chaperones are expected to be members of the Protecting Vulnerable Groups Scheme. It is recommended all chaperones read the Arts Council of Northern Ireland ‘Safeguarding best practice guidelines for arts sector organisations’. The Child Protection Support Service for Schools registers and trains chaperones and the Belfast education and library board holds the register of all licensed chaperones throughout Northern Ireland.

To allow the chaperone to fulfil their obligations to the Local Authority and to help you correctly observe the conditions of your licence, chaperones must be aware of the relevant terms of the licence. It is for the producer to decide the method by which the chaperone is informed of the licence terms and conditions; whether that be a summary of the conditions or access to the secure location in which the licences are kept.

The maximum number of children a chaperone may care for at any time is 12. This ratio must be determined by the producer based on the age and sex of the children involved and whether any children have particular needs that may prevent the chaperone from carrying out its duties to others.

Where a chaperone is also acting as a teacher the maximum number of children permitted to be in their care is 3.

Where a parent is exercising their right to chaperone their child, they are not qualified to chaperone any other children on set and cannot engage in any other activity, for example as another contributor to the programme.

10.4.6. Chaperone reporting obligations

Where a child falls ill or sustains an injury whilst in the care of the chaperone, you as the licence holder are obligated to inform the parent named on the licence and both the Licensing and Host Local Authority.

The chaperone is obligated to intervene when it determines a child’s wellbeing may be put in jeopardy. If a chaperone has concerns regarding a child’s wellbeing production should endeavour to

71 Regulation 12
72 http://www.disclosurescotland.co.uk/disclosureinformation/guidance.htm
74 The Belfast Education and Library Board holds the register of all licensed chaperones throughout Northern Ireland
quickly resolve the issue. If this does not happen and a chaperone considers there to have been a licence breach they are obligated to report the matter to the Local Authority who will investigate as they deem it necessary.

10.4.7. Chaperone Discretion\textsuperscript{75}
To allow for unexpected circumstances a chaperone may allow a child to film beyond the attendance hours detailed below for up to 30 minutes provided:

- The total number of performance hours applicable will not be exceeded; and
- The welfare of the child will not be prejudiced; and
- The conditions requiring a performance outside of the attendance hours were out of the producer’s control

When a chaperone exercises this discretion the producer is obligated to ensure the chaperone notifies the Licensing and Hosting Authorities the next day.

A chaperone may reduce one meal break to no less than 30 minutes where a child is taking part in performance/rehearsal outdoors provided the maximum number of hours the child is permitted to take part in a performance/rehearsal is not exceeded.

10.4.8. Accommodation\textsuperscript{76}
Any accommodation provided during the licence period must be approved as appropriate by the licensing authority. The licensing authority may place conditions on any proposals for accommodation to protect to the child’s welfare including:

- provision of transport from the place of accommodation to the place of rehearsal or performance
- suitable arrangements are made for meals

The Licensing Authority will also consider whether the accommodation is clean, comfortable and suitably private.

10.4.9. Place of performance/rehearsal\textsuperscript{77}
The Licensing authority is obligated to approve any place of performance or rehearsal; as part of the licence application process. The authority must not grant a licence unless it is satisfied that suitable arrangements have been made with regard to the child’s age, the nature of the performance, time and duration.

Suitable arrangements must be made for:
- Provisions of meals
- the child to dress for the performance rehearsal or activity (over 5s must be provided with separate sex dressing room facilities)
- the child’s rest and recreation

There must also be suitable and sufficient toilet and washing facilities in addition to adequate protection against inclement weather.

\textsuperscript{75} Regulation 32
\textsuperscript{76} Regulation 15
10.4.10. Travel
You must ensure suitable arrangements are made to take the child home (or to any other destination approved by parents) at the end of each day having regard to the individual needs of the child. Overnight accommodation should be considered as an alternative to long journeys where appropriate.

10.4.11. Earliest and latest times at place of performance or rehearsal

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-12</th>
<th>13-16</th>
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</thead>
<tbody>
<tr>
<td>Earliest and latest</td>
<td>*9.30am-4.30pm</td>
<td>9.00am-4.30pm</td>
<td>9.00am-7.00pm</td>
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<tr>
<td>times at place of</td>
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<td></td>
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<tr>
<td>performance or</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>rehearsal</td>
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</tbody>
</table>

If a child over 13 was not present at the performance beyond 6.30pm they may be present from 8.30am the following day.

Children over 10 years old may be present until 5.00pm.

*When working under the 4-day rule, the earliest and latest possible times at the place of performance for an under 2 year old is 9.30am-4.00pm.

It is essential to remember that the latest possible time of attendance not performance. All performance/activity must be complete ahead of the latest possible time and the amount of time required to wrap (removing costume etc) must be considered when scheduling.

10.4.12. Attendance at a place of performance or rehearsal and hours of performance

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<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-12</th>
<th>13-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number of</td>
<td>*5 hours</td>
<td>7.5 hours</td>
<td>8 hours</td>
</tr>
<tr>
<td>hours at the place of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>performance or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>rehearsal</td>
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</tbody>
</table>

This is the maximum number of hours a child may attend a place of performance on a day. This is to include all tutoring, breaks, performance and rehearsals required during that day.

*When working under the 4-day rule the maximum number of hours of attendance for an under 2 year old is 3 hours.

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<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-12</th>
<th>13-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum period of</td>
<td>*30 minutes</td>
<td>45 minutes</td>
<td>1 hour</td>
</tr>
<tr>
<td>continuous performance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or rehearsal</td>
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</tbody>
</table>

This is a maximum period and the child’s age and unique circumstances should be considered when scheduling.

*When working under the 4-day rule the maximum period of continuous performance or rehearsal for an under 2 year old is 20 minutes.
### Maximum number of hours for the entire performance or rehearsal

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<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-12</th>
<th>13-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>*2 hours</td>
<td>3 hours</td>
<td>3.5 hours</td>
<td></td>
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</tbody>
</table>

Again, this is a maximum amount and the child’s welfare should be considered when scheduling.

*When working under the 4-day rule, the maximum number of hours for the entire performance for an under 2 year old is 1 hour.

### 10.4.13. Breaks

<table>
<thead>
<tr>
<th>Minimum rest and meal breaks</th>
<th>Under 5</th>
<th>5-12</th>
<th>13-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any time not used for performance must be used for meals, rest, education and recreation.</td>
<td>If present for more than 3.5 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other break for at least 15 minutes. If present for 8 or more consecutive hours: 3 breaks; 1 meal break for at least 1 hour, the other breaks for at least 15 minutes. If present for 4 consecutive hour: 2 breaks, one meal break for at least an hour, the other breaks at least 15 minutes. If present for 8 consecutive hours: 3 breaks, 2 must be meal breaks of at least an hour each, the others at least 15 minutes.</td>
<td></td>
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</tbody>
</table>

This is the minimum number of breaks required during a day. Additional breaks must be considered based on the individual needs of the child.

### 10.4.14. Minimum breaks overnight

As a minimum a child must have an overnight break of least 14 hours break between attendance at a place of performance. The Licensing Authority may impose conditions to lengthen this break based on factors such as commute times and whether the child is attending the school the following day.

### 10.4.15. Maximum number of consecutive days of performance

A license can be granted for a maximum number of 5 days per week. Where a child works 5 day weeks for 8 consecutive weeks a 14 day break from performance/rehearsal is required. This restriction does not apply where the number of days specified in a child’s licence on which they can perform is fewer than 60.

### 10.4.16. Night work

A Licensing Authority may permit a child to take part in a performance/rehearsal outside of the latest and earliest permitted hours provided:

- The number of hours the child performs both inside and outside the earliest and latest attendance hours must not exceed the total performance hours for the day
- The child must have at least a 16 hour break between attendance at the place of performance and their return to the place of performance.
- Where the child takes part in a performance outside the latest and earliest times on two consecutive days, no further night work is permitted for 7 days.
## Hours of Work, Rest Breaks and Meal Breaks

<table>
<thead>
<tr>
<th></th>
<th>Under 5</th>
<th>5-12</th>
<th>13-16</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum number of hours at the place of rehearsal or performance</strong></td>
<td>5 hours *3 hours</td>
<td>5 hours</td>
<td>7.5 hours</td>
</tr>
<tr>
<td><strong>Permitted hours</strong></td>
<td>9.30am – 4.30pm</td>
<td>9.30am – 4.30pm</td>
<td>9am – 4.30pm</td>
</tr>
<tr>
<td><em>Where a child was not present after 6.30pm the previous day a child may be present from 8.30am the following day</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum period of continuous rehearsal or performance</strong></td>
<td>30 minutes *20 minutes</td>
<td>30 minutes</td>
<td>45 minutes</td>
</tr>
<tr>
<td><strong>Maximum number of hours for the entire performance or rehearsal</strong></td>
<td>2 hours *1 hour</td>
<td>2 hours</td>
<td>3 hours</td>
</tr>
<tr>
<td><strong>Minimum rest and meal Breaks</strong></td>
<td>Any time not used for work must be used for meals or rest.</td>
<td>If present for more than 3.5 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other breaks at least 15 minutes</td>
<td>If present for more than 4 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other breaks at least 15 minutes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If present for 8 consecutive hours: 3 breaks; 2 must be meal breaks of at least 1 hour each, the others at least 15 minutes</td>
<td></td>
</tr>
<tr>
<td><strong>Education hours</strong></td>
<td>NA</td>
<td>3 hours per day can be aggregated across a license period of 1-4 week</td>
<td>30 minutes-5 hours of tutoring can be provided on any given day between 9am-4pm with no less than 6 hours per week</td>
</tr>
<tr>
<td><strong>Maximum number of days per week</strong></td>
<td>5 days</td>
<td>Following 8 weeks of consecutive 5 day weeks a 14 day break from all employment is required.</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum number of days per year</strong></td>
<td>20 days for under 13s</td>
<td>40 days for over 13s</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum breaks overnight</strong></td>
<td>14 hours</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Night work</strong></td>
<td>A licence can be granted outside of the permitted hours provided: - attendance and performance hours are counted as usual - the next performance is scheduled for a minimum of 16 hours after the end of the night hours. If a child performs after the latest permitted hour on 2 consecutive days no further ‘night’ work can be scheduled for 7 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chaperone</strong></td>
<td>1 Chaperone: 11 children 1 Chaperone also working as a teacher: 2 children</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chaperone discretion</strong></td>
<td>Chaperone may allow the child to take part in a performance up to 30 minutes beyond the permitted hours in exceptional circumstances if: The total number of performance hours has not been exceeded The child’s welfare is not affected. Chaperone may curtail 1 meal break to no less than 30 minutes if: The child is performing outside; and The total number of performance hours has not been exceeded</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tutor</strong></td>
<td>1 Tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
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</tbody>
</table>
11. SAFEGUARDING AND PROTECTING CHILDREN

Safeguarding children should be paramount, this is dealt with through the licensing arrangements, OFCOM code, appropriate checks through DBS, PVG Arrangements, Disclosure Scotland, Self Declaration Forms, through your own and your broadcasters Child Protection Policies. Child protection should be everyone’s business and everyone has a responsibility to report any concerns in order to keep children and Young People safe.

The following sets out the laws, and rules which formulate the principals around safeguarding and protection children.

11.1. OFCOM

Ofcom is the communications regulator in the UK. The regulator was established by the Office of Communications Act 2002 and received its full authority from the Communications Act 2003. Ofcom licences all UK commercial television and radio services in the UK and covers England, Northern Ireland, Scotland and Wales.

Ofcom has a statutory duty to represent the interests of citizens and consumers by promoting competition and protecting the public from harmful or offensive material.

Broadcasters must comply by the terms of their licence, or risk having it revoked. Ofcom also publishes the Broadcasting Code, an extensive series of rules which all broadcast content on television and radio must follow. Producers are contractually required by their commissioning/ programme production agreements with the broadcasters to ensure they comply with the Ofcom Broadcasting Code.

Part of Ofcom’s duties is to examine specific complaints by viewers or listeners about programmes broadcast on channels that it has licensed. When Ofcom receives a complaint, it asks the broadcaster for a copy of the programme, it then examines the programme content to see if it is in breach of the broadcasting code. Ofcom requests a response from the broadcaster to the complaint and then will make a decision.

The following information is produced from the Ofcom code and guidelines.

11.1.1. The involvement of people under eighteen in programmes

Section one of the Ofcom Code starts with Protecting the Under Eighteens.

It’s important to note that Ofcom updated the Guidance on Rules 1.28 and 1.29 (as of March 2015) and replaces the previous guidance on these rules. These rules came into effect after a review and consultation with stakeholders.  

The new rules state that a person under eighteen appears in, or participates in a programme the broadcaster must ensure that is complies with Rules 1.28 and Rules 1.29, the rules apply to all broadcasts, whether television or radio. Producers should note that Rule 2.3 may also be applicable.

82 Rule 2.3 http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section2.pdf. See also Section 11.1.4 of this Guidance Note.
The level of care required will depend on all of the relevant circumstances, including the nature of the appearance and level of participation of each under-eighteen. This applies whether the material is originally produced or is acquired from another source. **Consideration of the child’s welfare should be at the heart of the production.**

### 11.1.2. Rule 1.28

"Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis."

There are **three key principles** producers should take into consideration when applying this rule:

#### 11.1.2.1. Central to Rule 1.28 is the concept of due care:

"Due" is used in the same way as in other areas of the Code. It indicates that the level of care must be **appropriate to the particular circumstances**.

#### 11.1.2.2. The broadcaster must judge what is appropriate in each case:

The producer should consult with the broadcaster whether these recommendations, or alternative measures, are the most appropriate will vary according to the particular programme and the nature and degree of the child’s involvement. Other relevant factors include the participant’s age, maturity and capacity to make judgements about participation and its likely consequences. 83

#### 11.1.2.3. The phrase “physical and emotional welfare and the dignity of people under eighteen” indicates the broad potential impact that participating in a programme might have on this age group:

Expert opinion indicates that a child’s vulnerability and resilience can vary significantly, depending on factors such as: age; gender; maturity; cultural, ethnic and religious background; personal circumstances; and previous life experiences. Broadcasters / producer should not assume that every young person will respond in the same way when participating in a production.

### 11.1.3. Rule 1.29

"People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes."

The key issues broadcasters should take into consideration when applying Rule 1.29 are as follows:

- Some programme genres and formats focus on conflict and crisis. These can often feature experiences that have caused, or may cause, distress and anxiety.

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83 It is important to remember your legal obligation in respect of DBS/ PVG may be necessary and additional data protection considerations may apply. See Section 2.2.4, 2.2.5 and 2.2.6 and Section 11.2 of this Guidance Note.
• Producers should consult with Broadcasters and consider, for example, the age, maturity and personal circumstances of the young person before deciding on their involvement. You should also consider the nature and content of the programme and the nature and extent of the child’s involvement.

• Rule 1.29 does not require the elimination of all distress or anxiety for under-eighteens taking part in programmes. This reflects the fact that there may be some editorial contexts in which it is justified for a child participating in a programme to be shown experiencing distress or anxiety. The word “unnecessary” in the rule refers to a level of distress and anxiety that is not justified by the editorial context and may risk harm to an under-eighteen’s physical and emotional welfare and dignity.

11.1.4. Rule 2.3

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.”

The key principle producers and broadcasters should take into consideration when applying Rule 2.3 in respect of the participation of under-eighteens in programmes is as follows:

• The level of care taken by broadcasters to protect under-eighteens is not always evident to the audience. When children and young people participate in programmes, broadcasters should consider whether “appropriate information” could be broadcast to avoid or minimise any offence.

• There is no explicit requirement under Rule 2.3 for the broadcaster to provide the audience with information about the measures it has taken to protect under-eighteens. However, appropriate information about the safeguards in place can assist in some circumstances to adequately protect viewers by mitigating the risk of offence.

• Broadcasters have the editorial freedom to decide if, when and how it is most appropriate to provide information to mitigate offence in particular situations. The level of any “appropriate information” will be dependent on all the relevant circumstances the nature and content of the programme and/or the nature and extent of the child’s participation.

11.1.5. Ofcom’s Best Practice for ensuring compliance Rule 1.28 and 1.29

Many of the following requirements should be considered in your child protection polices which is set out in this Section 11 this guidance note.

Ofcom advises that the following summary of Best Practices are followed these are set out at Section 11.1.6 to 11.1.8.3 of this Guidance note.

Ofcom acknowledges that Best Practice will depend on the individual child, the level and nature of their participation and the nature of the programme.
11.1.6. Pre-production

Production staff should have an easily accessible source of clear information on the key considerations when working with under-eigh teens.

Depending on the nature and content of the programme and the level of participation involved, Ofcom recommends the development of documented guidelines for working with under-eigh teens, and that production staff are made fully aware of these.

Independent production companies who work with children should consider drafting their own safeguarding protocols (and where necessary apply specific protocols to the programme) in addition to taking into account the broadcaster’s guidelines and Ofcom’s guidance.

11.1.6.1. Background checks

Ofcom recommends that broadcasters ensure appropriate background checks are made on an under-eighteen’s social, family, health and educational circumstances. These checks will vary depending on the nature and content of the programme and the level of participation of the young person.

In some cases, it may be helpful for programme makers to keep a documented trail of relevant checks, correspondence and any concerns raised throughout the process.

11.1.6.2. Risk Assessments – both physical and emotional/mental

Where appropriate, although risk assessments may help to ensure that the requirements of Rules 1.28 and 1.29 are met.

Children and young people differ in their vulnerabilities and resilience; their age, gender, physical and mental capacity, their maturity, their cultural, ethnic and religious background and their previous life experiences can all affect how they might respond to specific circumstances and nature of performance. Therefore these are factors that should be considered in assessing risks.

- Productions should regularly consider physical health and safety risk assessments. Ofcom recommends that a documented risk assessment of the impact of participating in the production on a young person’s emotional and mental wellbeing and welfare may also be appropriate in some circumstances (see also ‘qualified experts’ below). For example: where the child is particularly young or new to acting; where they are participating in a production which may exceed their emotional maturity or experience; or where the format/genre or a particular scene in the production may involve potential negative risks.

- Documented risk assessments completed during the pre-production stages (which cover both health and safety and physical and emotional wellbeing) may be particularly useful for reference should regulatory matters arise after transmission.

- Where necessary, risk assessments should be ongoing during the production and post-production stages as well so as to ensure that the
11.1.6.3. **Experts**

Ofcom recognises that no one can predict every impact. However they suggest that the decision should be made at the earliest stage (in pre-production) whether to seek advice from an appropriate expert. For example a counsellor, child psychologist, doctor or a teacher – on the likely impact of participation on the under-eighteen.

The genre and format of the programme, a specific scene and/or the age of the young person and their life experience and maturity may influence the extent of any expert opinion considered appropriate.

- It is important to identify what circumstances may warrant expert advice. Particular consideration should be given to: *the nature and extent of the participation of the under-eighteen; whether their participation may have any impact on their emotional or physical welfare; whether the scene has the potential to harm vulnerable under-eighteen; and whether there could be any potential negative consequences arising from their involvement.*

- If it is considered that expert advice is appropriate broadcasters and production companies should, dependent on the relevant circumstances, consider the level of expertise necessary (e.g. an appropriate understanding of the process of TV production) in order to ensure that the expert can advise on the possible impacts on the under-eighteen(s) participating.

In some circumstances, it may be beneficial to retain the same expert throughout the production to contribute to ongoing risk assessment.

11.1.6.4. **Record-keeping**

Production teams can often disperse quickly after production. Therefore it may be appropriate, for copies of key relevant documents to be made available to broadcasters during the course of the production, or at least soon after production has concluded, should Ofcom require information relating to compliance with Rules 1.28 and 1.29 following the programme’s transmission.

11.1.6.5. **Participants aged under sixteen**

For those participants aged under sixteen, the Code requires that broadcasters should normally obtain consent from a parent, guardian or other person over- eighteen or in loco parentis. However, Ofcom reminds broadcasters / producer that their obligations under Rules 1.28 and 1.29 apply irrespective of such consent.

- Ofcom understands that from an early age, children are capable of indicating their willingness (“assent”) to participate or be involved in a programme. The appropriate delivery of meaningful information to under-sixteens about the exact nature of their involvement as well as any likely consequences of participation (to allow “informed consent”) will vary according to their age, maturity and capacity to understand.
In the case of those unable to give informed assent, such as toddlers and babies, extra considerations, including the need for appropriate expert advice, may be necessary.

- An adult is often seen by a child, especially a young child, as an authority figure. Therefore the child may find it difficult to contradict an adult’s suggestion to participate. It is important that programme makers make it clear to the child that it is acceptable to agree or disagree when asked to participate.

- Children are unlikely to understand fully the process by which content is recorded, edited and broadcast, or how their participation relates to this, so a simple child-friendly explanation is recommended. It is important the child does not feel pressured and is given adequate time to process the information provided. It might be helpful, particularly for young children, to ask the child to say what they think their participation will involve.

- Expert advice suggests that young children cannot always put anxiety or uncertainty into words, especially with an unknown adult. Non-verbal indications may reflect a child’s reservations about participating.

- Where appropriate, it is recommended that under-sixteens are given meaningful, child-friendly information on any likely positive and negative consequences of participation. Depending on age and maturity, it may be difficult for children to imagine long-term outcomes. It may help if this information is provided in terms appropriate to the child’s age, maturity and circumstances. If a programme has previously involved other children, information written by earlier participants on the pros and cons could be useful. Ofcom accept that programme makers may not be able to predict every outcome, but the delivery of clear information on likely outcomes is a core element of “due care”.

- Ofcom suggests that, where appropriate, programme makers ensure that checks are made regularly during production that a child remains willing to participate.

11.1.6.6. Participants aged under eighteen
Ofcom recognises those aged over sixteen are able to give their own consent to participate. However producers/broadcasters might find it helpful to consider the extent to which the above recommendations may apply when seeking the informed consent of older teenagers. Background checks undertaken on the young person over sixteen as well as awareness of their maturity and experience may prove a helpful guide in identifying whether a greater level of due care is required.

11.1.6.7. Parents and Guardians
Ofcom reminds broadcasters that their obligations under Rules 1.28 and 1.29 apply irrespective of consent given by parents, guardians or anyone in loco parentis. Ofcom do not seek to lessen the importance of the views of parents or guardians on children’s participation. However, many parents and guardians will not be familiar with the production process or have a full understanding of the
implications of their child’s participation. They may only be able to see what they perceive to be the benefits of their child taking part in a programme, rather than any potential negative outcomes. Programme makers are advised to highlight both the positive and negative likely outcomes with parents or guardians. In particularly sensitive situations, Ofcom recommend that a documented note of this is kept.

Once fully informed, most parents or guardians are likely to be better able to help their child understand what participation means. Giving them adequate time to consider the consequences of their child’s participation is advisable.

- Producers and Broadcasters are advised to form their own judgements on whether an under sixteen’s participation is appropriate and not to rely solely on the assurances of parents or guardians, particularly where vested interests may be involved.

- Responsibility for ensuring compliance rests with the producer in consultation with the broadcaster not the parent, guardian or anyone in loco parentis. It is for the broadcaster to decide what measures are appropriate in the particular circumstances of the child and the individual programme, genre and or format.

11.1.7. Production

Physical and emotional wellbeing of the child must be the priority.

Whilst Ofcom appreciates that production can be an intense and stressful period, it is important that all production staff are made fully aware that the physical and emotional welfare and well-being of under-eighteens is a central concern throughout the process.

11.1.7.1. Single point of contact

Where practicable, it is sensible to provide a single, consistent point of contact with whom the participant is able to liaise throughout the production, and who has been given responsibility to oversee the participant’s welfare. It may also be helpful for parents or guardians to have access to this contact.

Ofcom suggests that in some circumstances, under-eighteens may benefit from the presence of a familiar person with whom they have a positive attachment, such as a parent, sibling, friend or teacher. In certain circumstances, given the nature and degree of the child’s involvement, it may be appropriate to make other expert support available such as access to a counsellor or psychologist.

11.1.7.2. Format considerations

Careful consideration of the nature and content of the programme and its likely impact on the participant is recommended. For instance, springing high-impact surprises on under eighteens in ‘live’ or ‘as live’ programmes, in front of studio audiences, or where conflict or highly emotional situations may be involved could cause harm and/or distress. Likewise, in genres which involve young people in competition with others, performance anxieties and pressure to succeed may be issues.
11.1.8. Post-production
The following are considerations for Post Production.

11.1.8.1. Contact with participants
Depending on the child, the nature of the programme and the level of participation involved, it may be appropriate for production staff (preferably the participant’s main point of contact during production), to keep in touch with the participant in the short-term and monitor any specific after-effects that might result. In some circumstances, it may be helpful for production staff to provide access to sources of professional help or support.

11.1.8.2. Updating the participant on their participation pre-transmission
Ofcom recognises that inviting child participants and/or parents to view the final cut of a programme pre-transmission is and should remain at the discretion of the broadcaster. In some circumstances, under-eighteens may benefit from being given appropriate information before transmission about how their contribution has evolved during post-production.

11.1.8.3. Advising pre-transmission on social media and media interest
A potential negative impact of participating in a production is the social media and media attention which may be generated following transmission. This is an area of risk which may benefit from consideration at an early stage in production, depending on the circumstances.

It’s important to consider the impact of social media and the risk of bullying (including online bullying) on the child participating and take appropriate steps to advise the young person(s) and/or their parents/carers in advance of transmission. This advice might include guidance on privacy settings on social media sites and/or providing a designated contact to assist the young person/parents/carers with any media attention post-transmission.

11.2. Disclosure and Barring Service (England and Wales)

The DBS is achieved through the Protection of Freedoms Act 2012, amending the Safeguarding Vulnerable Groups Act 2006. It replaces the Criminal Records Bureau (‘CRB’) and Independent Safeguarding Authority (‘ISA’).

The Disclosure and Barring Service (‘DBS’) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

The (DBS) update service lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online. Individuals can choose to subscribe to the Update Service for an annual fee of £13 which will keep their DBS certificate up-to-date so that they can take it with them from role to role within the same workforce. Employees and volunteers will no longer have to apply for a new criminal record check each time they apply for a job.
If an individual has subscribed to the Update Service their employer will be able to go online, with the individual’s consent, and carry out a free, instant check to find out if the information released on the DBS certificate is current and up to date.


11.2.1. DBS replaces CRB and ISA but has the same duties of:

- Processing requests for criminal records checks
- Deciding whether it is appropriate for a person to be placed on or removed from a barred list
- Placing or removing people from the DBS children’s barred list and adults’ barred list for England, Wales and Northern Ireland
- Employer must make appropriate referrals to DBS. Referrals should be made when an employer or organisation believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children.
- For some groups there is a legal duty to refer, it is therefore important that you understand your legal requirements: https://www.gov.uk/disclosure-and-barring-service-criminal-record-checks-referrals-and-complaints.
- You must not engage in regulated activity someone whom you know has been barred by the DBS.
- Everybody within the pre-September 2012 definition of regulated activity will remain eligible for enhanced DBS checks whether or not they fall within the post September 2012 definition of regulated activity.

Note: that regulated activity still excludes family arrangements; and personal, non-commercial arrangements.

11.2.2. What is a Regulated activity relating to children

The new definition of regulated activity relating to children comprises only (i.e. work that a barred person must not do):

- unsupervised activities - teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, or drive a vehicle for children only;
- Work for a limited range of establishments (‘specified places’), with opportunity for contact: for example, schools, children’s homes, childcare premises. Not work by supervised volunteers;
- work in respect of the above instances is regulated if it is done on a regular basis (there will be further guidance issued as to what is regulated activity if unsupervised);
- relevant personal care to the child, for example, washing, dressing, health care or supervised by a professional will be covered; and
- registered childminding or foster care.

In production you would consider DBS checking the following:
- the chaperone, tutors, teachers, instructors, where possible presenters, persons involved in hair and make who would be dressing the child, those who you hire to transport children. In respect of Chaperones, in Scotland there is a check list which
sets out the essential criteria and desirable criteria that chaperones should have (detailed in section 10.2.5 above).

- This list is not exhaustive and would be up to the producer and broadcaster to consider the role of the person and their involvement with any child and whether it would be considered regulated activity.


11.2.3. What is Barring – Autobars and Obligation to Refer

This obligation applies to England, Wales and Northern Ireland.

11.2.3.1. Autobars

There are 2 types of automatic barring cases where a person has been cautioned or convicted for a ‘relevant offence’:

- automatic barring without representations offences will result in the person being placed in a barred list(s) by the DBS irrespective of whether they work in regulated activity
- automatic barring with representations offences may, subject to the consideration of representations and whether the DBS believes that the person has worked in regulated activity, is working in regulated activity or may in future work in regulated activity, this may also result in the person being placed on a DBS barred list(s).

11.2.3.2. Referrals

An organisation that has a legal duty or power to make referrals to DBS: typically there is a duty, in certain circumstances, on employers to make a referral to the DBS when they have dismissed or removed an employee from working in regulated activity, following harm to a child or vulnerable adult or where there is a risk of harm.

For further information you should read:
https://www.gov.uk/government/organisations/disclosure-and-barring-service/about

11.3. Protection of Vulnerable Groups Scheme (‘PVG’) – Scotland

Please note that in Scotland the PVG Scheme is in place.

In February 2011 the Scottish Government put in place a membership scheme. Employers have the same duty as they do in England to make a referral regarding employees or those you engage.

This Scottish scheme is delivered by Disclosure Scotland and deals with those who should be barred from working with vulnerable groups.
For more information on the Scottish scheme guidance notes are provided here for organisations and individuals as applications and general guidance as well as contact details can be here:

http://www.disclosurescotland.co.uk/disclosureinformation/pyscheme.htm
http://www.disclosurescotland.co.uk/basicdisclosureonline/index.htm

11.4. **Access NI - Northern Ireland**

AccessNI is a branch within the Department of Justice in Northern Ireland, established in April 2008. Its job is to supply certificates that show whether people who want to work in certain types of jobs, for example with children and or vulnerable adults, have a criminal record or if other important information is known about them. This enables employers to make safer recruitment decisions.

AccessNI operates within Part V of the Police Act 1997 and issues three types of disclosure, Basic, Standard and Enhanced. Enhanced can include a check of those barred from working with children or adults.

Further Information can be found here: http://www.dojni.gov.uk/accessni

11.5. **Overseas applicants and UK applicants who lived abroad**

You can ask applicants from overseas to get a criminal records check, or ‘Certificate of Good Character’, from their country of origin.

It may also be possible to get such a check through the relevant embassy in the UK but the applicant must give their permission.

This sets out how you apply for criminal records checks for overseas applicants for each country: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

11.6. **CHILD PROTECTION POLICIES**

11.6.1. **What is a child protection policy**

A child protection policy statement makes it clear to employees, freelancers, third parties, parents and children what you and your organisation will do to keep children safe and what they should do if they are concerned about the welfare of a child or the behaviour of an adult who works with them. It is important to have a clear set of guidelines to make sure your production company deals with child protection concerns effectively.

11.6.2. **Safeguarding Action plan**

- **Advice and information** - Your production company will also need an action plan that states how you will ensure that everyone, including children, is aware of and understands your safeguards and where they go for advice and support when dealing with their concerns. This needs to explain how you will tell everyone about the safeguards, including disabled people and people who use different languages.
• **Online** – You should have information available on what immediate actions should take place for online safeguards whether in respect of online grooming or child abuse images.

• **Recording** - It is important that all concerns are recorded, including information about, the concern, how it was responded to, where it was reported to and what the outcome of this report. It is important that the information which is recorded is accurate, factual and written as close to the event as possible. If a criminal offence has been committed or, during the course of production investigations are undertaken in respect of section 47 of the Children’s Act 1989 or similar in the devolved nations and if the child has suffered ‘significant harm’ then this recorded information may be required by the police as evidence.

11.7. **RISK ASSESSMENTS**

Risk Assessments are generally undertaken when a programme is commissioned to ensure that due care is taken over the physical and emotional welfare of people under 18 who will be taking part in the filming and that unnecessary distress or anxiety is not caused by their involvement in the production. Producers are required to consider the risks and potential harms that may arise from the child’s participation and to take steps to mitigate such potential risks and harms.

It’s important to remember that the participation of the child and the individual child’s needs should be assessed on a case by case basis. In additional risks may change in severity and new risks may emerge in the course of a performance or activity, constant monitoring of risks and mitigation measures is a crucial element in safeguarding children and young people.

The necessity and basis of a risk assessment now also set out in the Ofcom Best practice and the standardised licence application for England now seeks one to be attached if applicable.

In Scotland you are required to attach a risk assessment detailing any potential risks arising from the child’s participation in the performance or activity and information on the steps which will be taken to mitigate those risks. Although it might not always be possible to provide detailed risk assessments containing all relevant information at the time the application is submitted, all the available information should be provided.

The risk assessment is a useful tool in helping establish that the child’s welfare needs are being met. It is understood that generally the nature and extent of risks should be described in the licensing application /risk assessment together with the appropriate measures for their mitigation. These are as follows:

- Injury – environmental hazards
- Ill health – exposure to dangerous materials, environments and potential infection
- Psychological harms – exposure to damaging behaviour and experiences
- Lack of adequate management control
- Lack of competent staff and chaperonage
- Failure to ensure valid consent
- Failure of supervision
- Unsuitable transport arrangements
• Excessive performance demands – with regard to individual characteristics of performers
• Inadequate provision for emergencies
• Unwelcome contact - physical or other invasive /abusive contact.

How these should be considered are explained at section 11.4.1 and 11.4.2 of this guidance note.

11.7.1. Factors to consider in a risk assessment
The following are examples of factors that producer will take into consideration when involving children in filming.

11.7.1.1. Individual needs of the Child
Children and young people differ in their vulnerabilities and resilience. Their age, gender, physical and mental capacity, maturity, cultural, ethnic and religious background and their previous life experiences can all affect how they might respond to the specific circumstances and nature of a performance. These must, therefore, be considered when assessing the distinct risks to which individual children might be exposed in consequence of their participation in a performance or activity.

11.7.1.2. Consent
The autonomy and dignity of performers or those taking part in an activity should also be respected at all times. This means that valid consent must be in place throughout the performance or activity and a right to withdraw at any point should be made clear to each participant.\textsuperscript{84}

Valid consent may require consent from persons other than the performer or participant, such as parents, or guardians. Children of any age should be regarded as competent to give consent verbally or through their ‘assent’ as displayed in their conduct and willingness to continue in the performance or activity.

The behaviour of very young children, in particular, should be monitored for signs of unwillingness to continue. Unlike in England, where the age of capacity is 18, in Scotland the age of capacity is 16, so those over 16, but under 18, may provide sole written consent.

When signs are displayed that assent is no longer being given, the applicant must endeavour to resolve any issues for the child such that they may choose to continue under a different set of conditions. If the child still does not want to be involved, where relevant, only filmed footage taken up until the point of their unwillingness to perform may be used.

Aspects of the performance that have associated risks, and the mitigation measures proposed, should be explained clearly to the child or young person, and other persons consenting to the child’s participation in the performance or activity, before the child’s consent is sought.

\textsuperscript{84}This does not mean that this invalidates any previous consent granted that was obtained through the filming.
11.7.2. **Additional risks to consider**
Producers will normally carry out health and safety assessments however the following should be considered alongside with the child’s participation.

- In respect of health and safety children are generally less able to recognise danger, they are inquisitive so more likely to take risks. They are more prone to tiredness and anxiety and stress in response to pressure and long hours.
- Are the children filmed in a ‘protected environment’? E.g. at home, school, youth club, hospital, day care centre, outward bounds camp etc. where care and control rests with the relevant staff or parents?
- Will the children be in the care and under the control of their parents throughout filming or has care and control been passed to the producers?
- Are the children the primary focus of the programme or are they incidental?
- Are children likely to be placed in situations of stress or conflict because of the nature of the programme and how can this be managed?
- What support network does the child have? E.g. parent, school, youth group.
- After care- it is important to consider long term consequence for the child. Are there likely to be post transmission repercussions for example bullying? You may want to consider for the child when filming has finished.

11.7.3. **Model Risk Assessment**
12. APPLYING FOR A LICENCE

12.1. OVERVIEW OF THINGS TO CONSIDER WHEN APPLYING FOR A LICENCE?

It should be noted that it is a legal requirement to seek a licence where one is required and any person who causes or procures any child to do anything in contravention of the licensing requirement commits an offence and may be subject to a fine, imprisonment or both.

12.2. TIME FRAME WHEN APPLYING FOR A LICENCE

12.2.1. England, Scotland and Wales

You need to apply at least 21 days before the first performance/activity. Otherwise the authority can refuse to grant a licence. If you need a licence in less than 21 days you will have to ask the licensing authority whether they would be able to process the application within this time.

12.2.2. Northern Ireland

You are required to apply at least 30 days before the first performance. Otherwise the authority can refuse to grant a licence.

12.3. TO WHICH LICENSING AUTHORITY DO YOU SUBMIT THE APPLICATION?

Local authorities are responsible for the administration of licences, they are the licensing authority.

12.3.1. Child resident in the UK

Where a child is resident in the UK, and the performance is to take place in Great Britain, you should submit application child’s home licensing authority that is the licensing authority in which the child resides. If a child attends boarding school, the relevant licensing authority will be the Local Education Authority where the child’s parents live. If a child's parents live overseas this will still be based on where the child attends school, or where the company is based in the UK, or where the filming will take place in the UK.

12.3.2. Child not resident in the UK

Even though a child from another country may have received a licence from the country where he or she is resident, an application for a licence still needs to be made with the licensing authority where filming is to take place.

For example where a child does not live in the UK and performs in England, Scotland or Wales:

- the application must be made to the licensing authority in whose area the applicants place of business or,
- If the applicant does not have a place of business in the UK where the performance will take place, or filming production base.
- the filming of children in Great Britain is regulated by the England, Scotland and 1968 Regs. These Regulations require a production company to obtain licences to film

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The name given to authorities responsible for granting a licence is different in each nation but will be referred to collectively as local authority in this section.
with children in Great Britain. Where children who resident in Northern Ireland are engaged to work in Great Britain, it is necessary to obtain a licence for the child from their local library and education board as well as the licensing authority local to the company’s registered office in Great Britain. If the company’s registered office is located in Northern Ireland, a licence must be obtained from the licensing authority local to the production base in Great Britain.

12.4. **WHO CAN APPLY FOR A LICENCE?**

12.4.1. **Responsible Persons**
The responsible person\(^{87}\) must apply for the licence. This generally is the individual responsible for the organisation, production or engaging the child. For example, the person is the one who is organising an activity or, the person to whom this responsibility has been delegated in Northern Ireland. This is deemed as the person responsible for the production of the performance.

12.4.2. **Who should not apply as a responsible person**
Licence applications should not be submitted or signed by a child’s agent on behalf of a production. This is because a third party who is not responsible or accountable for the arrangements of a performance or activity, cannot take operational decisions during the course of that performance in order to ensure their wellbeing, therefore a third party cannot sign the application or be the holder of the licence.

12.5. **THE STYLE OF APPLICATION FORM**
The licence application form must be made using the form that the licensing authority requires, and will have certain information that needs to be completed.
- For England, see Section 15 of these guidance notes.
- For Scotland - see Section 16 of these guidance notes.
- For Wales - see Section 17 of these guidance notes.
- For Northern Ireland - see Section 18 of these guidance notes.

12.6. **WHO SIGNS THE APPLICATION FORM**

- **The responsible person.**

- **The parent or guardian,** should assist in completing the form, and answer the questions to the best of their knowledge. Where appropriate the child’s parent or guardian should discuss the application with the child and listen to his or her views about this. The parent should acknowledge and sign that the child is fit to take part in the performance/activity.

- **In Scotland** - The application form allows for the child or young person to sign the form, indicating their approval. Whilst the child’s signature is not mandatory, it should be sought as a matter of best practice. \(^{88}\)

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\(^{86}\) England, Scotland and Wales only.

\(^{87}\) Person’ can in fact be an organisation – a body corporate or unincorporated. However, there will need to be an individual who signs the application on behalf of the organisation.

\(^{88}\) In some instances it may not be appropriate where the child is not sufficiently mature to understand what is being asked of them, or where the inclusion of a signature would compromise the performance in question. For example, where a performance requires an element of surprise on the part of the young person, it should not be required that the child signs the application form.
• **In Scotland** - Where the child will be required to be absent from school in consequence of his or her participation in the performance or activity, the application should also be signed by the child’s head teacher. This only applies if the filming takes place after 5 days.

12.7.  **TYPE OF LICENCE – WHEN ABSENT FROM SCHOOL**

12.7.1.  **Days of absence from school are known**

In accordance with section 37(7) of the 1963 Act, where you can specify the dates that a child is to be away from school to perform then the child’s absence from school is deemed to have been granted such that permission is not needed from the school. This absence from school will be authorised by the licensing authority (provided they are satisfied of the educational needs are met).

12.7.2.  **Days of absence from school are not known**

Where the responsible person is unable to specify the dates of the performance or activity and the licensing authority decides to grant a licence, it must impose a condition that the child can only take part in that performance or activity for a specified number of days within a 6 month period. The licensing authority shall contact the school when considering granting such a licence.

In practice this is often referred to as an ‘open licence’. A licence can only be issued to the responsible person for a specific performance or activity. There is also no such thing as an open licence which can be used by different companies who want to use children in a performance. It is unlawful to seek to use a child who is under an ‘open licence’ for different performances, activities.

12.7.3.  **Days absence from independent school**

In circumstances where a licence is issued and the terms of the licence do not specify dates (i.e. an ‘open’ licence), then if the child attends an independent school (including academies and free schools) it is at the discretion of the head teacher to authorise the leave of absence for each date.

A child should not be absent from school to take part in a performance or activity without such approval. This will also apply to any performance the child is taking part in to which an exemption under section 37(3) applies.
13. WHAT THE LICENCING AUTHORITY WILL CONSIDER

13.1. LICENSING AUTHORITY REQUIREMENTS

When receiving your licence application form, the licensing authority can place conditions on the licence to protect the child’s education or wellbeing if not clearly being met by the responsible person. Under section 37(4) of the 1963 Act, the Licensing Authority may only grant a licence in respect of a performance or activity where they are satisfied that:

- the child is fit to participate;
- proper provision has been made to secure his or her “health” and “kind treatment”; and
- The child’s education will not suffer as a consequence of the participation in the performance or activity.

However, the licensing authority should seek only such additional information as required to enable it to determine the application in the best interests of the child. Broadcasters, regulated by Ofcom, are required to maintain editorial control over their programming and must be independent of government or external influence, either official or commercial. Therefore it is inappropriate for a licensing authority to interfere with editorial control.

13.2. INFORMATION NOT AVAILABLE FOR THE APPLICATION FORM

Applicants should inform the relevant licensing authority where any information is unavailable and the reasons why. This should not, however, prevent a licensing authority from processing the application where good reasons are available as to the lack of that information.

13.3. RESPONSIBILITIES IF GRANTED A LICENCE

If a licence is granted by the licensing authority, the responsible person will become the licence holder and will be responsible for ensuring its conditions are met and the terms of the licence upheld.

The licence holder should have responsibilities for arranging, organising and overseeing the performance or activity involving the child and for ensuring the protection or wellbeing of the child during the performance or activity.

When applying this test, licensing authorities should consider whether the child’s involvement in the performance or activity is likely to result in any additional risk to his or her wellbeing beyond that which they could expect to experience in the ordinary course of their daily life. This consideration should take account of the nature of the performance in relation to the individual child’s age, gender and needs. In doing so, licensing authorities should take into account any steps proposed by the organisation arranging the performance to mitigate potential risks.
14. THE APPLICATION FORM

14.1. WHAT DO YOU ATTACH TO THE LICENCE?

<table>
<thead>
<tr>
<th>England</th>
<th>Scotland</th>
<th>Wales/1968</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>A copy of the birth certificate</td>
<td>A copy of the birth certificate or other satisfactory evidence of the child’s age</td>
<td>A copy of the birth certificate or other satisfactory evidence of the child’s age</td>
<td>A copy of the birth certificate or other satisfactory evidence of the child’s age</td>
</tr>
<tr>
<td>2 identical photographs taken 6 months prior to the application from England</td>
<td>2 identical photographs taken 6 months prior to the application from Scotland</td>
<td>2 identical photographs taken 6 months prior to the application from Wales/1968</td>
<td>2 identical photographs taken 6 months prior to the application from Northern Ireland</td>
</tr>
<tr>
<td>A copy of the contract, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required</td>
<td>A copy of the contract or, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required</td>
<td>A copy of the contract or, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required</td>
<td>A copy of the contract or, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required</td>
</tr>
<tr>
<td>Statement by the child’s parents that the child is medically fit for the proposed activity. Details of any known health conditions that could affect the child’s ability to participate or would be affected as a result of the child’s involvement of the performance.</td>
<td></td>
<td>medical certificate valid for 6 months</td>
<td>medical certificate valid for 6 months</td>
</tr>
</tbody>
</table>
ADDITIONAL INFORMATION THAT MAY BE NEEDED PROVIDED WITH THE APPLICATION FORM

Where the licensing authority considers that the information provided is insufficient to enable it to issue a licence the licensing authority must request additional information to help it make a decision.

**England**
- Request that a child be medically examined
- Request a report from the head teacher or principal of the school that the child attends
- Interview with the proposed private teacher
- Interview the applicant, the child's parents, proposed chaperone, the child as appropriate

**Scotland**
- Request that a child be medically examined
- Request a report from the head teacher or principal of the school that the child attends
- Interview with the proposed private teacher
- Interview the applicant, the child's parents, proposed chaperone, the child as appropriate

**Wales/1968**
- Interview with the proposed private teacher
- Interview the applicant, the child's parents, proposed chaperone, the child as appropriate
- Make enquiries to ascertain whether a licence should have a condition in relation to the sums earned by the child

**Northern Ireland**
- Interview with the proposed private teacher
- Interview the applicant, the child's parents, proposed chaperone, the child as appropriate
- Make enquiries to ascertain whether a licence should have a condition in relation to the sums earned by the child
15. **ENGLAND - APPLICATION FORM**

The style of form of application form for a licence is set out in the English Regs. As of May 2015 there is a standard licence form however you should check with your licensing authority which form they require you to use as it may differ from each licensing authority. In addition the licensing authority may not require you to provide all of the information in the form.

You will be required to attach the following information to the form:
- A copy of the birth certificate
- 2 identical photographs taken in the last 6 months, prior to the application
- A copy of the contract, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required.

Information requested on the licence form:
- A copy of your organisations safeguarding policy
- Risk assessment
- Medical declaration to be completed by child’s parent.

Additional information that may be required:
- request that a child be medically examined
- request a report from the head teacher or principal of the school that the child attends
- interview with the proposed private teacher
- Interview the applicant, the child’s parents, proposed chaperone, the child as appropriate.

In order to help you prepare for completing your application form this section of the guidance sets out information you are likely to need to complete the form.

15.1. **APPLICANTS DETAILS**
- Full Name, Address, Occupation.

15.2. **THE PERFORMANCE/ACTIVITY**

15.2.1. **About the Performance**
- Nature of the performance which the licence is sought
- Description of the child’s participation
- Place of the performance
- Date(s) of the Performance (if known)
- Number of days and/or the period which the child may take part
- Time and Duration of the performance for the licence (if known)
- Approximate duration of the child’s appearance in the performance (if known)
- Night work (if any) which approval will be sought (stating the number of days and approximate duration on each day).
- Sums to be earned for the Performance
- Proposals for rehearsals prior to the first performance, stating, the date, place and approx. time and duration.
15.2.2. Rehearsal Arrangements
   • Proposed arrangements for rehearsals taking place during the 14 days prior to the first performance for which the licence is requested. Stating the following for each rehearsal:
     - The date
     - The place
     - The approximate duration.

15.2.3. Absence from School
   • The days or ½ days on which the child will be absent from school to take part (if known)

15.2.4. Educational Arrangements
   • Arrangements for education if required, during the period for which the licence is required stating:
     - Name and address of school to be attended or,
     - The name and address and qualification of the proposed private teacher
     - The place where the child will be taught
     - The proposed course of study
     - The number of other children to be taught by the private teacher at the same time as the child. And the gender and age of each child
     - Will the education received be in accordance with regulation 13 (3) (e) of the English Regs.
     - The name of the licensing which has previously approved the appointment of the private teacher for the purpose of a licence

15.2.5. Chaperones Details
   • Name and Address of the proposed chaperone (if known).
   • The name of the licensing which has previously approved the appointment of the chaperone for the purpose of a licence.

15.2.6. Chaperone Role
   • The number of children to be in the care and control of proposed chaperone when the chaperone will be in charge of the child with whom this application is made.
   • The gender and age of each child that the chaperone will be under their care.

15.2.7. Accommodation
   • The address of the accommodation where the child will live (if the child is required to live somewhere other than the place where the child would usually live.)
   • The name of the householder
   • Number of other child who live in the same accommodation
   • Details of the chaperone (if any) who will live in the same accommodation.

15.2.8. Travelling
   • Length of time which the child will spend travelling
     - To and from the place of performance, rehearsal or activity
   • The arrangements (if any) for transport
     - To and from the place of performance, rehearsal or activity
15.2.9. Other relevant licensing authorities

- Name of any other licensing authorities to when which an application has been made for another child to take part in a performance or an activity to which this application relates.

15.3. About the child
This section of the application form should be completed by the Parent, legal guardian to the best of their knowledge and will require to be signed as well as stating their relationship to the child, for example if parent, guardian or have parental responsibilities.

15.3.1. Child’s information

- Full name
- Date of Birth
- Address of Child

15.3.2. School information

- Name and Address of the school the currently attended by the child during the 12 months preceding the date of the application, or if the child is not attending a school the name and address of the child’s private teacher.
- Dates (if any) the child has been absent from school the past 12 months prior to the application as a result of taking part in a performance.

15.3.3. Past licence application forms

- Details of each application in relation to the child for granted during the 12 months prior to this application by any licensing authority other than this licensing authority, and stating in each case the
  - name of the licensing authority,
  - the date on which the licence was granted,
  - dates and nature of performance or activities.

- Details of any performance which the child took part for which a licence refused required in the last 12 months preceding the application stating
  - name of the licensing authority,
  - the reasons (if known) for the refusal to grant a licence.

- Details of any performance which the child took part for which a licence was not required in the last 12 months preceding the application stating
  - the date of the performance,
  - the place of the performance,
  - the nature of the performance,
  - the name of the person responsible for the production of the performance which the child took part

15.3.4. Child’s Employment

- Whilst it is not required in the application form you may wish to consider providing details of any employment of the child during the 28 days prior to the first day of performance, if it may affect the child and its involvement in the performance.

15.3.5. Child’s Earnings

- Amount of any monies earned by the child during the 12 months prior to the application, providing the following:
  - If sums earned where in respect of licensed performances or those that did not require licences.
16. SCOTLAND - APPLICATION FORM

The style of form of application form for a licence is set out in the Scottish Regs at Schedule 1. You should check with your licensing authority which form they require you to use as it may differ from each licensing authority. In addition the licensing authority may not require providing all of the information in the form.

You will be required to attach the following information to the form:
- A copy of the birth certificate or other satisfactory evidence of the child’s age.
- 2 identical photographs taken in the last 6 months, prior to the application.
- A copy of the contract, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required.
- Statement by the parents that the child is medically fit for the proposed activity. Details if any that would affect the child’s ability to participate.

Additional information that may be required:
- request that a child be medically examined
- request a report from the head teacher or principal of the school that the child attends
- interview with the proposed private teacher
- interview the applicant, the child’s parents, proposed chaperone, the child as appropriate
- make enquiries as to whether a condition should be attached in respect of sums earned by the child.

In order to help you prepare for completing your application form this section of the guidance sets out information you are likely to need to complete the form.

16.1. Applicants details
- Full Name, Address, Occupation.

16.2. The Performance/ Activity
16.2.1. About the Performance
- Nature of the performance which the licence is sought
- Description of the child’s participation
- Place of the performance
- Date(s) of the Performance (if known)
- Number of days and/ or the period which the child may take part
- Time and Duration of the performance for the licence (if known)
- Approximate duration of the child’s appearance in the performance (if known)
- Night work (if any) which approval will be sought (under Reg 28 of the Scottish Regs).
- Stating the number of days and approximate duration on each day.
- Sums to be earned for the Performance
16.2.2. Absence from School
- The days or ½ days on which the child will be absent from school to take part (if known)

16.2.3. Educational Arrangements
- Arrangements for education during the period for which the licence is required stating (in Scotland in some instances the performance may count towards education).
  - Name and address of school to be attended or,
  - If the child requires to be absent from school for more than 5 days during the period for the licence. The name and address and qualification of the proposed private teacher
  - The place where the child will be taught
  - The proposed course of study
  - The number of other children to be taught by the private teacher at the same time as the child. And the gender and age of each child
  - Will the education received be in accordance with regulation 12 (4) (e) or regulations 12 (5).
- The name of the licensing which has previously approved the appointment of the private teacher for the purpose of a licence

16.2.4. Chaperones Details
- Name, Address and telephone of the proposed chaperone (if known)
- The name of the licensing which has previously approved the appointment of the chaperone for the purpose of a licence
- Confirmation if the proposed chaperone is listed on any chaperone registered held by a licensing authority
  - If yes which licensing authority
  - If no confirmation whether the proposed chaperone would like to be listed as a result of the licence
- Evidence of the proposed chaperones suitability to fulfil the role.

16.2.5. Chaperone Role
- The number of children to be in the care and control of proposed chaperone when the chaperone will be in charge of the child with whom this application is made.
- The gender and age of each child that the chaperone will be under their care.

16.2.6. Accommodation
- The address of the accommodation where the child will live (if the child is required to live somewhere other than the place where the child would usually live).
- The name of the householder
- Number of other child who live in the same accommodation

16.2.7. Travelling
- Length of time which the child will spend travelling
  - To and from the place of performance, rehearsal or activity
- The arrangements (if any) for transport
  - To and from the place of performance, rehearsal or activity
16.2.8. **Other relevant licensing authorities**
Name of any other licensing authorities to which an application has been made for another child to take part in a performance or an activity to which this application relates.

16.3. **About the child**
This section of the application form should be completed by the Parent, legal guardian to the best of their knowledge and will require to be signed as well as stating their relationship to the child, for example if parent, guardian or have parental responsibilities.

16.3.1. **Child’s information**
- Full name
- Date of Birth
- Address of Child
- Contact telephone number of Parents

16.3.2. **School information**
- Name and Address of the school the currently attended by the child during the 12 months preceding the date of the application, or if the child is not attending a school the name and address of the child’s private teacher.
- Dates (if any) the child has been absent from school the past 12 months prior to the application as a result of taking part in a performance.

16.3.3. **Past licence application forms**
- Details of each application in relation to the child granted during the 12 months prior to this application by any licensing authority other than this licensing authority, and stating in each case the
  - name of the licensing authority,
  - the date on which the licence was granted,
  - and dates and nature of performance or activities.
- Details of any performance which the child took part for which a licence refused required in the last 12 months preceding the application stating
  - name of the licensing authority,
  - the date of the application,
  - the reasons (if known) for the refusal to grant a licence.
- Details of any performance which the child took part for which a licence not required in the last 12 months preceding the application stating
  - the date of the performance,
  - the place of the performance,
  - the nature of the performance,
  - the name of the person responsible for the production of the performance which the child took part

16.3.4. **Child’s Employment**
- Details of any employment of the child during the during the 28 days prior to the first day of performance for which the licence is currently being requested for, providing the following information
  - Nature of the employment
  - The days on which the child the child is employed
  - The times during which the child is employed
16.3.5. **Child’s Earnings**

- Particulars relating to sums earned by the child during the 12 months prior to the application, providing the following:
  - If sums earned were in respect of licensed performances or those that did not require licences.
  - Amount of sums earned
  - Earnings from other forms of employment
  - Date on which payment was received
  - Name, address and description of the person from whom the payment was received.
The style of form of application form for a licence is set out in the 1968 Regs. You should check with your licensing authority which form they require you to use as it may differ from each licensing authority. In addition the licensing authority may not require providing all of the information in the form.

You will be required to attach the following information to the form:
- A copy of the birth certificate or other satisfactory evidence of the child’s age.
- 2 identical photographs taken in the last 6 months, prior to the application.
- A copy of the contract, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required.
- Medical certificate

Additional information that may be required:
- interview with the proposed private teacher
- Interview the applicant, the child’s parents, proposed chaperone, the child as appropriate.
- Make enquiries as to whether the licence should have a condition in relation to the sums earned by the child.

In order to help you prepare for completing your application form this section of the guidance sets out information you are likely to need to complete the form.

17.1. Applicants details
• Full Name, Address, Occupation.

17.2. The Performance/ Activity
17.2.1. About the Performance
• Nature of the performance which the licence is sought
• Description of the child’s participation
• Place of the performance
• Date(s) of the Performance (if known)
• Number of days and/ or the period which the child may take part
• Time and Duration of the performance for the licence (if known)
• Approximate duration of the child’s appearance in the performance (if known)
• Night work (if any) which approval will be sought (under Reg 30 of the 1968 Regs).
  Stating the number of days and approximate duration on each day.
• Sums to be earned for the Performance

17.2.2. Rehearsal Arrangements
• Proposed arrangements for rehearsals taking place during the 14 days prior to the first performance for which the licence is requested. Stating the following for each rehearsal:
  • The date
  • The place
  • The approximate duration.
17.2.3. **Absence from School**
- The days or ½ days on which the child will be absent from school to take part (if known)

17.2.4. **Educational Arrangements**
- Arrangements for education if needed during the period for which the licence is required stating
  - Name and address of school to be attended or,
  - The name and address and qualification of the proposed private teacher
  - The place where the child will be taught
  - The proposed course of study
  - The number of other children to be taught by the private teacher at the same time as the child. And the gender and age of each child
  - Will the education received be in accordance with regulation 10(4) (a) or Regulation 10 (4) (b)
- The name of the licensing which has previously approved the appointment of the private teacher for the purpose of a licence

17.2.5. **Chaperones Details (referred to as Matron in the Regs)**
- Name, Address and description of the proposed chaperone (if known)
- The name of the licensing which has previously approved the appointment of the chaperone for the purpose of a licence

17.2.6. **Chaperone Role**
- The number of children to be in the care and control of proposed chaperone when the chaperone will be in charge of the child with whom this application is made.
- The gender and age of each child that the chaperone will be under their care.

17.2.7. **Accommodation**
- The address of the accommodation where the child will live (if the child is required to live somewhere other than the place where the child would usually live).
- The name of the householder
- Number of other child who live in the same accommodation

17.2.8. **Travelling**
- Length of time which the child will spend travelling
  - To and from the place of performance, rehearsal or activity
- The arrangements (if any) for transport
  - To and from the place of performance, rehearsal or activity

17.2.9. **Other relevant licensing authorities**
- Name of any other licensing authorities to which an application has been made for another child to take part in a performance or an activity to which this application relates.

17.3. **About the child**
This section of the application form should be completed by the Parent, legal guardian to the best of their knowledge and will require to be signed as well, stating their relationship to the child, for example if parent, guardian or have parental responsibilities.
17.3.1. Child’s information
- Full name
- Date of Birth
- Address of Child

17.3.2. School information
- Name and Address of the school the currently attended by the child during the 12 months preceding the date of the application, or if the child is not attending a school the name and address of the child’s private teacher.
- Dates (if any) the child has been absent from school the past 12 months prior to the application as a result of taking part in a performance.

17.3.3. Past licence application forms
- Details of each application in relation to the child granted during the 12 months prior to this application by any licensing authority other than this licensing authority, and stating in each case the
  - name of the licensing authority,
  - the date on which the licence was granted,
  - and dates and nature of performance or activities.
- Details of any performance which the child took part for which a licence was refused required in the last 12 months preceding the application stating
  - name of the licensing authority,
  - the date on which the licence was refused
  - the reasons (if known) for the refusal to grant a licence.
- Details of any performance which the child took part for which a licence was not required in the last 12 months preceding the application stating
  - the date
  - the place
  - the nature of the performance,
  - the name of the person responsible for the production of the performance which the child took part

17.3.4. Child’s Employment
- Details of any employment of the child during the the 28 days prior to the first day of performance for which the licence is currently being requested for, providing the following information
  - Nature of the employment
  - The days on which the child is employed
  - The times during which the child is employed

17.3.5. Child’s Earnings
- Particulars relating to sums earned by the child during the 12 months prior to the application, providing the following:
  - If sums earned were in respect of licensed performances or those that did not require licences.
  - Amount of sums earned
  - Earnings from other forms of employment
  - Date on which payment was received
  - Name, address and description of the person from whom the payment was received.
18. NORTHERN IRELAND – APPLICATION FORM

The style of form of application form for a licence is set out in the NI Regs. You should check with your licensing authority which form they require you to use as it may differ from each licensing authority. In addition the licensing authority may not require providing all of the information in the form.

Application forms for licensing and registration are available from the Belfast Education and Library Board.

You will be required to attach the following information to the form:
- A copy of the birth certificate or other satisfactory evidence of the child’s age.
- 2 identical photographs taken in the last 6 months, prior to the application
- A copy of the contract, draft contract, or other documents containing particulars of the child’s appearance in which the licence is required.
- Medical certificate valid for 6 months.
- A signed declaration under Article 138(4)(a) of the Children (Northern Ireland) Order 1995 forms part of the application form.

Additional information that may be required:
- interview with the proposed private teacher
- interview the applicant, the child’s parents, proposed chaperone, the child as appropriate.
- Make enquiries as to whether the licence should have a condition in relation to the sums earned by the child.

In order to help you prepare for completing your application form this section of the guidance sets out information you are likely to need to complete the form.

18.1. Applicants details
- Full Name, Address, Occupation.

18.2. The Performance/ Activity
18.2.1. About the Performance
- Nature of the performance which the licence is sought
- Description of the child’s participation
- Place of the performance
- Date(s) of the Performance (if known)
- Number of days and/or the period which the child may take part\(^\text{91}\)
- Time and Duration of the performance for the licence (if known)
- Approximate duration of the child’s appearance in the performance (if known)
- Night work (if any) which approval will be sought (under Reg 32 of the NI Regs) the number of days and approximate duration on each day.
- Sums to be earned for the Performance

\(^{91}\) May not exceed 6 months
18.2.2. Rehearsal Arrangements
- Proposed arrangements for rehearsals taking place during the 14 days prior to the first performance for which the licence is requested. Stating the following for each rehearsal:
  - The date
  - The place
  - The approximate duration.

18.2.3. Absence from School
- The days or ½ days on which the child will be absent from school to take part (if known)

18.2.4. Educational Arrangements
- Arrangements for education if needed as per Reg 12 of the NI Regs during the period for which the licence is required stating-
  - Name and address of school to be attended or,
  - The name and address, other address in the previous 5 years, teacher reference number (if any) and qualification of the proposed private teacher
  - The place where the child will be taught
  - The proposed course of study
  - The number of other children to be taught by the private teacher at the same time as the child, and the gender and age of each child
  - Will the education received be in accordance with regulation 12(4) (a) or Regulation 12 (4) (b)
- The name of the Board which has previously approved the appointment of the private teacher for the purpose of a licence.

18.2.5. Chaperones Details (referred to as Matron in the Regs)
- Name, Address, previous address of the proposed chaperone and qualification (if known)
- The name of the Board which has previously approved the appointment of the chaperone for the purpose of a licence

18.2.6. Chaperone Role
- The number of children to be in the care and control of proposed chaperone when the chaperone will be in charge of the child with whom this application is made.
- The gender and age of each child that the chaperone will be under their care.

18.2.7. Accommodation
- The address of the accommodation where the child will live (if the child is required to live somewhere other than the place where the child would usually live.
  - The name of the householder
  - Number of other child who live in the same accommodation

18.2.8. Travelling
- Length of time which the child will spend travelling
  - To and from the place of performance, rehearsal or activity
- The arrangements (if any) for transport
  - To and from the place of performance, rehearsal or activity

18.2.9. Other relevant licensing authorities
• Name of any other licensing authorities to when an application has been made for another child to take part in a performance or an activity to which this application relates.

18.3. About the child
This section of the application form should be completed by the Parent, legal guardian to the best of their knowledge and will require to be signed as well; stating their relationship to the child, for example if parent, guardian or have parental responsibilities.

18.3.1. Child’s information
• Full name
• Date of Birth
• Address of Child

18.3.2. School information
• Name and Address of the school the currently attended by the child during the 12 months preceding the date of the application, or if the child is not attending a school the name and address of the child’s private teacher.
• Dates (if any) the child has been absent from school the past 12 months prior to the application as a result of taking part in a performance.

18.3.3. Past licence application forms
• Details of each licence granted during the 12 months prior to this application by any board other than the licensing authority to whom this application is made, and stating in each case the
  - name of the licensing authority,
  - the date on which the licence was granted,
  - and dates and nature of performance or activities.

• Details of any performance which the child took part for which a licence was refused required in the last 12 months preceding the application stating
  - name of the licensing authority,
  - the date on which the licence was refused,
  - the reasons (if known) for the refusal to grant a licence.

• Details of any performance which the child took part for which a licence was not required in the last 12 months preceding the application stating
  - the date
  - the place
  - the nature of the performance,
  - the name of the person responsible for the production of the performance which the child took part

18.3.4. Child’s Employment
• Details of any employment of the child during the during the 28 days prior to the first day of performance for which the licence is currently being requested for, providing the following information
  - Nature of the employment
  - The days on which the child is employed
  - The times during which the child is employed
18.3.5. Child’s Earnings

- Particulars relating to sums earned by the child during the 12 months prior to the application, providing the following:
  - If sums earned where in respect of licensed performances or those that did not require licences.
  - Amount of sums earned
  - Earnings from other forms of employment
  - Date on which payment was received
  - Name, address and description of the person from whom the payment was received.
19. WHAT HAPPENS WHEN A LICENCE IS GRANTED?

19.1. LICENSING AUTHORITY CONSIDERATIONS

A licence must only be granted by the licensing authority of which the application is submitted once it is assured that:

- the child’s education, health and wellbeing will not suffer; and
- the conditions of the licence will be observed.

As a result of the above, if these needs are not deemed to be met the licensing authority will impose conditions it considers necessary to ensure the child is fit to take part in the performance or activity, that there will be proper provision for the child’s wellbeing and that the child’s education will not suffer.

19.1.1. Types of Conditions

Types of conditions by licensing authorities can be placed on anything from:
- transport,
- place of performance, rehearsal or activity is to take place,
- or if the applicant is unable to specify the dates of the performance or activity then, if the licensing authority decides to grant a licence, it must impose a condition that the child can only take part in that performance or activity for a specified number of days within a 6 month period.
- any earnings the child receives in relation to taking part in the performance or activity;
- any accommodation in which the child will live whilst taking part in the performance or activity where the child is required to live away from home.

19.2. THE LICENCE FORM

There is a prescribed style set out in the schedule of each of the Regs for England, Scotland, Wales and Northern Ireland; it is the form you will receive from the licensing authority if your licence has been granted. Although the style and information can differ across each local authorities. The licence must state clearly the purpose of, and any conditions applying to the granting of, the licence. The below is examples of some of the information you may find in your licence, if granted.

19.2.1. Form of Licence Information

a. The name of the child;
b. A photograph of the child must be attached to the licence.
c. Address and contact details of the parents.
d. The name of the parents
e. the name of the applicant;
f. The name of the Council which the application relates to and to whom that Council authorises, i.e. the responsible person (name of the production company)
g. Specifies the number of days and periods of performance
h. Names, times and location of the performance, also if granting for different locations.
i. Subject to the restrictions and conditions and any other that the licensing authority may impose.

j. The performance or activities are granted are:

k. The number of days the child may be absent from (details of school) for the purposes authorised by this licence.

l. It will state that the licence holder must ensure that details will follow if any information is not yet available or is unknown.

19.3. WHO GETS A COPY OF THE LICENCE FORM

The licensing authority is required to send a copy of the licence to the parent or guardian who signed the application form.

In Scotland they suggest that dependent on the age and maturity of the child, the licensing authority should also forward a copy of the licence to the child.

Where the performance or activity is due to take place in the area of a host authority, other than the licensing authority, the latter should ensure that a copy of the application form and the licence are forwarded to the relevant host authority.

19.4. BEST PRACTICE

Since the chaperone has responsibilities to safeguard, support and promote the wellbeing of the child at all times during the period for which the licence relates, the licence holder should ensure that the chaperone is informed of the terms of the licence, including any particular condition applied in the child’s best interests.

You should ensure that the chaperone has a safe, secure place to leave the licence at the production. This is to ensure compliance with data protection, if providing them with a copy you should ensure that they return the licence to you on completion of services and destroy any personal information they have on the child, unless there is a reason under data protection or the licence which would allow/require them to retain that information. However you should take assurances that any information held by them is in compliance with data protection legislation and is secure and safe.

If a copy of the licence is provided to a chaperone you may wish to delete information which you think may not be appropriate. For example you may wish to redact contact details and addresses of the child and parents (if it’s a one day shoot) however in some circumstances you may consider it appropriate that the chaperone has this information. This is for the production company to consider and act appropriately although you must ensure that the chaperone is aware of any licence conditions as they are also under an obligation to meet these requirements. Similarly, the licence holder should also ensure that any private teacher is also made aware of the terms of the licence as appropriate and in particular any conditions relating to educational arrangements.

The chaperone is likely to prepare or assist with the records (which you will need to keep for 6 months after the performance and can be requested during site inspection). See section 21 of this guidance note. You may wish to keep this information longer as if

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92 In the Scottish Regs the form of licence style is set out at Schedule 2, 1968 Regs, Schedule 2, NI 1996 Schedule 2
working with the child in the next 12 months you will need this information to complete the child’s application form.

19.5. **TURNING DOWN A LICENCE APPLICATION**

If a licensing authority refuses to grant a licence it **must** provide the reason(s) for this decision, in writing. Unfortunately there is no time frame in which they should notify you of this decision. A licence can also be revoked by either a licensing or hosting authority if conditions of the licence are not observed, however, notice of such an intention must be provided to the licence holder as practicable. Grounds for any revocation must be given in writing to the licence holder.

The responsible person can appeal to its local court against the refusal, revocation or variation, and against any condition under which a licence is granted or an approval is given (where the condition is not one that the licensing authority are required, under the legislation, to impose).
20. RECORDS AND COMPLIANCE

20.1. DETAILS OF RECORDS TO BE KEPT

The records which are required to be kept by the licence holder for a period of 6 months.\(^\text{93}\)

It is important that information regarding a child’s participation in the performance or activity is recorded and retained for a period of time in order that a licensing authority is able to monitor compliance with the conditions linked to a licence.

Licence holders should ensure that information is retained for at least six months from the date on which a licence ceases to have effect. However if you are planning on filming with the child in the next 12 months you may wish to retain it for this period of time, as it may be helpful in completing future applications forms. This is because applications forms request information about the child for the previous 12 months prior to the application being made.

20.1.1. The licence

You should retain a copy of the licence form of issued by the licensing authority.

20.1.2. Performance information

You should retain for each day or night on which the child is present at the place of performance/rehearsal the following information:

- The date
- The time of the arrival at the place of performance/rehearsal
- The time of the departure from the place of performance/rehearsal
- The time of each period during which the child took part in a performance/rehearsal
- The time of each rest interval
- The time of each meal interval
- The times of relevant night work

20.1.3. Education

You should retain information of the arrangements regarding the child’s education, details of the teacher, date and duration of each lesson and the subject taught.

20.1.4. Health

- You should keep details of injuries and illnesses if any suffered by the child at the place of performance.
- As well as the date on which they occurred and stating whether they prevented the child from being present at the place of performance.

20.1.5. Breaks

Information should also be kept regarding the dates of breaks in performances in terms of hours/days.

\(^\text{93}\) In Scottish Regs see Schedule 3. 1968 Regs See Schedule 3, Schedule 3 of the NI 1996, Schedule 3 of the English Regs.
20.1.6. Money earned
The following information should be kept for your records regarding:
- Amount of all sums earned by the child due to the performance,
- Names and address of the description of the person whom sums were paid.
- Where there are any conditions regarding the sums earned and the manner in which they have been dealt with.

20.1.7. Chaperone
You should keep details of chaperone(s) who were involved in the performance as part of your licence requirements.

20.1.8. Medicals
If any, dates of medical examination of the child carried out as per the 1968 Regs and NI Regs this information should be recorded.

20.1.9. Conditions
Any other relevant conditions to the licence should be retained.

20.2. COMPLIANCE

The licensing authority has a responsibility to enforce the terms of the licence they granted for the performance.

The host licence authority (the licence authority where the child resides) or the licensing authority where the performance takes place may carry out inspections of the premises:

- where rehearsals during the performance period are taking place;
- where performances or activities are taking place; or
- where the child is receiving their education

in order to check that the licensing conditions are being met.

Licensing authorities have powers to amend or revoke existing licences, including those issued by Wales and Scotland where the performance or activity to which the licence relates takes place and vice versa.

In addition a licensing authority can take further action through the courts and bring a civil action. A breach of a licence can also be a criminal offence.

Section 40 of the 1963 Act (and section 147 of the 1995 Order) states that any person:
- Causing or procuring any child to take part in any performance in contravention of the licensing system;
- Failing to observe any condition subject to which a licence is granted; or
- Knowingly or recklessly making any false statement in or in connection with an application for a licence;

is guilty of a criminal offence. The maximum penalty for the offence is a fine of £1,000 (level 3 on the standard scale).
The criminal and civil penalties highlight the importance of compliance with licence conditions, not only to ensure legal compliance also as part of your safeguarding duties to protect children working in the industry in our care.
### Hours of Work, Rest Breaks and Meal Breaks - UK

<table>
<thead>
<tr>
<th>Minimum rest and meal breaks</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>All breaks must be for a minimum duration of 15 minutes. Any time not used for performance must be used for meals, rest, education and recreation.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>For every 1 hour of continuous performance: 1 break of no less than 15 minutes. For every 3.5 hours of attendance: 1 meal break of no less than 1 hour.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>For every 1 hour of continuous performance: 1 break of no less than 15 minutes. For every 3.5 hours of attendance: 1 meal break of no less than 1 hour.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If present for more than 3.5 consecutive hours: 2 breaks; 1 meal break of at least 1 hour, the other breaks at least 15 minutes. If present for 8 consecutive hours: 3 breaks; 2 must be meal breaks of at least 1 hour each, the others at least 15 minutes.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If present for more than 3.5 consecutive hours: 2 breaks; 1 meal break of at least 1 hour, the other breaks at least 15 minutes. If present for 8 consecutive hours: 3 breaks; 2 must be meal breaks of at least 1 hour each, the others at least 15 minutes.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If present for more than 4 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other breaks at least 15 minutes. If present for 8 consecutive hours: 3 breaks; 2 must be meal breaks of at least 1 hour each, the others at least 15 minutes.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If present for more than 4 consecutive hours: 2 breaks; 1 meal break for at least 1 hour, the other breaks at least 15 minutes. If present for 8 consecutive hours: 3 breaks; 2 must be meal breaks of at least 1 hour each, the others at least 15 minutes.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum number of hours at the place of rehearsal or performance</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 hours</td>
<td>9.5 hours</td>
<td>9.5 hours</td>
<td>8 hours</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Earliest and latest possible hours</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>9am-11pm</td>
<td>7am-7pm</td>
<td>9am-4.30pm</td>
<td>9am-4.30pm</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum period of continuous rehearsal or performance</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 minutes</td>
<td>45 minutes</td>
<td>30 minutes</td>
<td>1 hour</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum number of hours for the entire performance or rehearsal</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 hours</td>
<td>2 hours</td>
<td>2 hours</td>
<td>2 hours</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education hours</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>3 hours per day can be aggregated across a licence period of up to 4 weeks. 1.5 hours of tuition can be provided on any given day.</td>
<td>3 hours per day can be aggregated across a licence period of up to 4 weeks. 1.5 hours of tuition can be provided on any given day.</td>
<td>3 hours per day can be aggregated across a licence period of up to 4 weeks. 1.5 hours of tuition can be provided on any given day.</td>
<td></td>
</tr>
</tbody>
</table>

*Applicable where the child is not licensed because of the '4-day rule' exemption detailed at section 6.5*
<table>
<thead>
<tr>
<th><strong>Additional Conditions</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicable to all Children</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Maximum number of days per week</strong></th>
<th><strong>England</strong></th>
<th><strong>Scotland</strong></th>
<th><strong>Wales</strong></th>
<th><strong>Northern Ireland</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum number of days per week</strong></td>
<td>6 days</td>
<td>Following 8 weeks of consecutive 6 day weeks a 14 day break from all employment is required. This is a maximum. The child’s age and the activity should be taken into consideration when determining whether it is necessary to work a 6 day week. For example where it prevents additional shooting.</td>
<td>5 days</td>
<td>Following 8 weeks of consecutive 5 day weeks a 14 day break from all employment is required.</td>
</tr>
<tr>
<td><strong>Wales</strong></td>
<td>Not applicable</td>
<td>80 days</td>
<td>Not applicable</td>
<td>20 days for under 13s</td>
</tr>
<tr>
<td><strong>Northern</strong></td>
<td>Not applicable</td>
<td>Scotland</td>
<td>Wales</td>
<td>Northern Ireland</td>
</tr>
<tr>
<td><strong>Minimum breaks overnight</strong></td>
<td>England</td>
<td>12 hours between attendance at a place of performance/rehearsal.</td>
<td>Scotland</td>
<td>40 days for over 13s</td>
</tr>
<tr>
<td><strong>Travelling</strong></td>
<td>England</td>
<td>Suitable arrangements must be made for the child to get to his home or any other agreed destination after the final performance/rehearsal on each day.</td>
<td>Wales</td>
<td></td>
</tr>
<tr>
<td><strong>Night work</strong></td>
<td>England</td>
<td>A license can be granted outside of the permitted hours provided: - attendance and performance hours are counted as usual - the next performance is scheduled for a minimum of 16 hours after the end of the ‘night’ hours.</td>
<td>Scotland</td>
<td>If a child performs after the latest permitted hour on 2 consecutive days no further ‘night’ work can be scheduled for 7 days</td>
</tr>
<tr>
<td><strong>Chaperone</strong></td>
<td>England</td>
<td>1 chaperone: 12 children 1 chaperone also working as a teacher: 3 children</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Chaperone discretion
Chaperone may allow the child to take part in a performance up to 1 hour beyond the permitted hours in exceptional circumstances if: The total number of performance hours has not been exceeded; and The child’s welfare is not effected.

Chaperone may curtail 1 meal break to no less than 30 minutes if: The child is performing outside; and
<table>
<thead>
<tr>
<th>Country</th>
<th>Chaperones</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotland</td>
<td>1 chaperone: 10 children</td>
<td>12 children</td>
</tr>
<tr>
<td></td>
<td>1 chaperone also working as a teacher: 3 children</td>
<td></td>
</tr>
</tbody>
</table>

**Chaperone discretion**

Chaperone may allow the child to take part in a performance up to 30 minutes beyond the permitted hours in exceptional circumstances if:

- The total number of performance hours has not been exceeded.
- The child’s welfare is not affected.

Chaperone may curtail 1 meal break to no less than 30 minutes if:

- The child is performing outside; and

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<thead>
<tr>
<th>Country</th>
<th>Chaperones</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wales</td>
<td>1 chaperone: 12 children</td>
<td>12 children</td>
</tr>
<tr>
<td>Northern</td>
<td>1 chaperone: 12 children</td>
<td>12 children</td>
</tr>
<tr>
<td>Ireland</td>
<td>1 chaperone also working as a teacher: 3 children</td>
<td></td>
</tr>
</tbody>
</table>

**Chaperone discretion**

Chaperone may allow the child to take part in a performance up to 30 minutes beyond the permitted hours in exceptional circumstances if:

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- The child is performing outside; and

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<thead>
<tr>
<th>Country</th>
<th>Chaperones</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tutors</td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td>12 children</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Chaperones</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>England</td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
</tr>
<tr>
<td>Scotland</td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
</tr>
<tr>
<td>Wales</td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
</tr>
<tr>
<td>Northern</td>
<td>1 tutor: 6 children (or 12 if the children have reached a similar standard in the subject)</td>
<td></td>
</tr>
</tbody>
</table>