

Young Performers

A Guide for Parents and Guardians

Introduction

The opportunity to perform on stage or screen, or take part in sporting or modelling activities can benefit the wellbeing of children and young people in a variety of ways. However, while participating in these activities, there is a need to ensure your child's safety and wellbeing are protected.

Two Acts provide for the current licensing system in Scotland for child performances and sports and modelling activities – Part II of the Children and Young Persons Act 1963 (for activities within the UK) and section 25 of the Children and Young Person's Act 1933 (for activities abroad). From 20th February 2015 the arrangements for licensing were updated by The Children (Performances and Activities) (Scotland) Regulations 2014. Under this legislation the person organising the performance must apply for a licence from the child's local education authority ("the Licensing Authority") to allow a child or young person to take part. The licence system applies to all children under school leaving age. In Scotland, children are over school leaving age on 31st May if their 16th birthday falls between 1st March and 30th September of that year. Those who turn 16 between 1st October and the last day of February can leave at the start of the Christmas holidays of that particular school year.

When is a licence required?

A licence is required for the following:

- all performances for which a charge is made, whether for admission or otherwise
- all performances held in licensed premises, for example a hotel, pub or theatre
- all performances which are broadcast live, for example a television or radio broadcast or internet screening
- all performances recorded with a view to their use in a broadcast or in a film intended for public exhibition
- modelling or sporting activities where payment, other than for expenses, is made to the child or someone else in respect of the child's participation

Amateur groups, musical performances, student productions and films are **not** exempt from the requirements.

Where no payment (except for expenses) is made to the child or another person in connection with a performance, a licence is not required in respect of the following:

- auditions
- school productions
- performances where the child has not taken part in a licensable performance on more than 3 other days in the last 6 months (sometimes known as “the 4 day rule”)

It is a legal requirement to get a licence and failure to do so is an offence. It is also an offence for a parent or guardian to allow a child to take part in a licensable performance without a licence. The person responsible for obtaining a licence and/or the parent or guardian may be subject to a fine, imprisonment or both.

Who is responsible for obtaining a licence?

The person responsible for obtaining the licence will be the person arranging the performance or licensed activity. They are known as the “Applicant”. If a licence is granted they become the “Licence Holder” and are responsible for ensuring the conditions of the licence are met and also for protecting the wellbeing of your child during the performance or activity. The application for a licence will require your signature. In line with Article 12 of the United Nations Convention on the Rights of the Child, you should discuss the application with your child and listen to his or her views. Ideally your child should also sign their approval of the application unless they are too young to understand or the performance would be compromised by the inclusion of your child’s signature, for example if the performance requires an element of surprise on their part.

If your child requires to be absent from school, the application should also be signed by their head teacher.

You may be asked to provide documents to accompany the licence application including a birth certificate or other evidence of your child’s age and details of any medical condition of your child. You should try to provide the information requested if you are able to.

The applicant will need to complete a risk assessment of any potential risks of your child participating in the performance or activity and provide information on the steps that will be taken to reduce those risks. The licence application should be submitted at least 21 days before the first day of the performance or activity.

How will I know if a licence has been granted?

The Licensing Authority is required to send a copy of the licence to you (if you signed the application form). It would be good practice for them also to send a copy of the licence to your child if they are of an appropriate age and maturity to understand.

The Licensing Authority will only grant a licence if they are satisfied that:

- your child is fit to participate
- proper provision has been made to secure your child's health and kind treatment and
- your child's education will not suffer as a result of their participation in the performance or activity

They will take into account the nature of the performance in relation to your child's age, gender and needs and any employment of your child in the 28 days running up to the date of the first performance. The Licensing Authority may request additional information from you or your child. They can also seek information from the Applicant, your child's head teacher, your child's GP if your child has a medical condition, proposed chaperones and private teachers. Other than in exceptional circumstances, the Licensing Authority must not grant a licence if during the previous 12 months your child has taken part in performances on more than 80 days.

If the Licensing Authority refuses to grant a licence they must give reasons in writing. If the licence is refused, the Applicant can appeal to the sheriff.

Can restrictions be placed on licences?

The Licensing Authority may grant the licence with conditions, including the particular manner in which the Licence Holder should deal with any earnings your child receives for their participation. It is the Licensing Authority's duty to enforce these conditions so they may carry out inspections and revoke the licence if the Licence Holder is not complying.

What will the licence say?

For a performance, the licence will specify:

- the names, places and nature of the performance
- the number of days on which your child will perform
- the period (not more than 6 months) in which the performance must take place

For an activity, the licence will specify:

- the nature of the activity
- the place at which it is to take place
- the date when it is to take place, or the number of days on which your child may participate and the period (not more than 6 months) in which the activity may take place

What about my child's education?

Your child's education must not suffer because they are taking part in the performance or activity. The Licensing Authority must approve arrangements for the education of your child throughout the performance including the place in which your child will receive the education. Ideally, the education should also be approved by your child's head teacher or with you as the parent or guardian should your child be home schooled.

If your child is absent from school for more than 5 days during the period that the licence covers, arrangements must be made for your child to be taught by a suitably qualified private tutor for an average of at least 3 hours per day that they are out of school. Hours of schooling must be taken into account when calculating how long your child can be present at the place of performance, even if the education takes place elsewhere. There are specific arrangements for children involved in a broadcast or film, for example, for performances of these types, the maximum hours of schooling per day would be 5 hours.

Chaperones

If your child is taking part in a performance or activity they must have a chaperone who will have care and control of them and be responsible for safeguarding, supporting and promoting their wellbeing for any period of time that they are not in your care and control or that of a teacher. As a parent or guardian, you can act as chaperone for your children.

All chaperones, unless the parent or guardian, need to be approved by the Licensing Authority during assessment of the licence application. For approval to be granted the Licensing Authority must be satisfied that the person is suitable and able to a) have proper care and control of your child, b) safeguard, support and promote the wellbeing of your child, and that they will not be hindered in their duties towards your child by other activities or duties towards other children.

If the chaperone is not the parent or guardian they can look after up to ten children at a time unless they are also acting as a private tutor, when the number of children is reduced to three. If the chaperone is not the parent or guardian they must also be members of the Protecting Vulnerable Groups (PVG) Scheme.

If the chaperone identifies an area of concern or they feel that the conditions of the licence are not being met, they should raise the matter with the Licence Holder, Production Company or the Licensing Authority depending on what the concern is. If there is a risk of significant harm to the child, concerns should be reported immediately in line with the National Guidance for Protection of Children in Scotland.

Where your child suffers injury or illness while in the care of the chaperone the Licence Holder must immediately inform you as the parent or guardian as well as informing the Licensing Authority.

Accommodation

It is the responsibility of the Licence Holder to ensure safe and suitable accommodation for your child whilst they are taking part in the performance or activity. The License Holder must approve proposed arrangements for accommodation as being suitable for your child. It should meet the needs of your child and be clean, comfortable, provide a suitable degree of privacy and continual access to the chaperone and overnight accommodation.

Travel arrangements

The Licence Holder must make suitable travel arrangements for your child. Your child should not be allowed to travel unsupervised. Where the journey time is significant or there is need for frequent return journeys, licensing authorities should consider suitable overnight accommodation as an alternative – taking your and your child's views into account. The Licensing Authority should not issue a licence unless they are satisfied with the proposed travel arrangements.

Place of performance

The place of the performance must be approved by the Licensing Authority. They require to be satisfied that there are suitable arrangements in place to meet the requirements of your child and for your child's meals, toileting, washing and dressing taking account of your child's age and gender. Suitable areas for rest and recreation must be provided for periods when your child is not taking part in the performance, rehearsal or activity.

Working hour limits

The working hour limits apply to all performances and activities including those that don't require a licence under the 4 day rule (where your child will not receive payment and has not taken part in licensed performances on more than 3 days in the previous 6 months).

Child Performance Working Hour Limits

Age of Child	Maximum duration of attendance and performance per day	Latest and earliest hours of attendance	Breaks
0-4	Attend 5 hours Perform 2 hours	08.00 – 20.00*	A break of at least 15 minutes after every 45 minutes performing or rehearsing.
5-8	Attend 8 hours Perform 3 hours	07.00 – 23.00*	A break of at least 15 minutes after every hour of performing or rehearsing. A food break of not less than 1 hour if present for more than 3½ consecutive hours.
9-school leaving age	Attend 9 ½ hours Perform 4 hours	07.00 – 23.00*	A break of at least 15 minutes after every hour of performing or rehearsing. A food break of not less than 1 hour if present for more

			than 3½ consecutive hours. A further meal break of at least 30 minutes if present for more than 8 consecutive hours.
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*but can be extended by half an hour in exceptional circumstances and with agreement of the chaperone. Any additional extension must be agreed with the Licensing Authority.

These working hour limits represent the maximum durations for a performance and the minimum duration of breaks. In line with the Getting It Right For Every Child approach, the needs of the individual child must be considered including their age, maturity and wellbeing. The working hour limits include any time spent in education.

In certain circumstances the Licensing Authority can permit the child to perform outwith these limits, for example, if they are required to take a curtain call late in the evening.

Breaks

Every child has the right to rest and leisure and to engage in play. If your child is on a break he or she must not take part in education, rehearsals and preparations for the performance (e.g. hair and make-up) or any other form of employment.

Your child must have a minimum of 12 hours break overnight but it is generally accepted that most children should have an overnight break of no less than 14 hours. Where your child is taking part in a licensed performance he or she must not take part in performances or rehearsals on more than six consecutive days. This is the maximum number of days allowed – the Licensing Authority will take a number of factors into account when looking at this and might reduce the number of days in a row that your child can work. If your child takes part in a performance on 6 consecutive days for a period of 8 consecutive weeks they must have a break of at least 14 days following the last date of the performance to allow appropriate time to rest with friends and family. (This does not apply where the total number of days your child is allowed to perform is less than 60 or if the performances are circus performances)

Activities abroad

If your child is over 14 and is invited to perform abroad, the relevant Justice of the Peace will consider the application and, if content, issue a licence. Details of your child including their name, address, date of birth, nationality, name and address of their parent or guardian will be sent to the Scottish Government by the Justice of the Peace, and then passed to the relevant consular office, together with copies of the contract and licence and details of where and how long your child is expected to participate.

Body of Persons Approval

In some circumstances a Body of Persons Approval (BOPA) can be granted by a local authority, a group of local authorities or by Scottish Government to an organisation, removing the need for individual child performance licences to be obtained for a performance. The BOPA may cover a single performance or a series of performances. BOPAs cannot be granted for performances where children are being paid (other than expenses). If a BOPA has been granted, conditions such as those around working hour limits, chaperones and education do not apply. However the granter may choose to attach conditions to the BOPA to ensure the wellbeing of the children covered by it.

The applicant will still require to supply full details of the production, the children involved, arrangements for chaperones, travel, child protection policies and training of staff and the approval of any school absence from the child's Head Teacher.

Role of Ofcom

Television and radio broadcasters have an independent statutory regulator known as Ofcom. Broadcasters are required to comply with rules set out in the Ofcom Broadcasting Code which protect children who participate in their programmes. The rules apply whether a licence is required or not.

Further information

If you would like more detailed information, please refer to the Scottish Government's "Guidance on the revised arrangements for ensuring the wellbeing of children involved in performances and licensed activities"

<http://www.gov.scot/Resource/0050/00500141.pdf> and The Children (Performances and Activities) (Scotland) Regulations 2014
<http://www.legislation.gov.uk/ssi/2014/372/made>



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78851-101-8 (web only)

Published by The Scottish Government, August 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS266966 (08/17)

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