**Children in Performance – A Guide for Parents, Carers and Applicants**

The main legislation that regulates the work of children as performers is:

* Children and Young Persons Acts 1933 and 1963
* Children (Performance) Regulations 1968

and miscellaneous amendments made in 1998 and 2000, extending the licensing requirements to include children involved in paid modeling and sporting activities.

Performance

A performance is taking part in a presentation either:

* in connection with which a charge is made (even if no charge is made for admission);
* on licensed premises or in a licensed club;
* which is broadcast;
* which is being filmed or recorded for public exhibition or broadcast.

Licensing requirements

Before a licence can be issued, certain criteria have to be met:

* the applicant must be physically fit to take part in performance or activity;
* the head teacher of the school (if appropriate) must give consent if school time is affected;
* the activity must be safe;
* the application form and supporting documents must be completed satisfactorily.

Licensing responsibilities

It is the responsibility of the production company/agency to make an application to the Local Authority as the Local Authority (LA) for a licence authorising a child to do anything to which section 37(1) of the Children and Young Persons Act 1963 (the Act) refers. Applications must be made in writing on the form issued by the LA, be signed by the applicant and a parent of the child and accompanied by the documents specified in the Act.

The Local Authority may refuse to grant a licence if it does not receive the application form at least 21 days (15 working days) before the day that the licence is required for performances or 5 working days for modelling assignments.

Powers of the licensing authority

The Local Authority may make such enquiries as it considers necessary to enable it to be satisfied that it should grant a licence as required by section 37(4) of the Act. In particular, it may request:

* a report from the head teacher about the child;
* that the child be medically examined to find out whether he or she is fit to take part in the performances or activities and that his or her health will not suffer as a result;
* an interview with the applicant, the child, his or her parents and the proposed chaperone and private teacher (if any).

Applying for a licence

Application forms can be obtained by contacting us on 0845 352 7559 or by email at attendance\_service@sandwell.gov.uk

When the application form is completed and returned, it must be accompanied by:

* two identical, unmounted passport size photographs of the child taken within the previous six months;
* proof of the child's age (e.g. a photocopy of the child's birth certificate);
* a copy of the contract or agreement concerning the engagement.

It may also be necessary for a medical certificate/doctor's letter to be produced.

When a licence has been authorised and issued, it will be sent to the producer or representative who signed the application, with copies to the child's parent or carer and the school (if applicable).

Education

The child's education must not suffer in any way because of the performances or activities and the head teacher of the child's school should be consulted if absence from school is required for the purpose of attending either rehearsals or performances. Only then will it be decided if leave of absence can be granted.

In exceptional circumstances, e.g. when it is necessary for the child to be engaged in a long-running musical or TV series, the production company must arrange for a private tutor to be engaged and for the Local Authority to be given details of the education provision and arrangements.

Medical examinations

The Local Authority may ask for a medical examination and report on a child, dependent on the nature and/or length of the performance or activity.

Safe activity

The applicant is required to give accurate details of the nature of the performance or activity on the licence application form and an Attendance & Prosecution Officer, acting on behalf of the Local Authority, can inspect either before or during the activity to determine that it is not in breach of the regulations and can recommend that a licence be refused or withdrawn if they are not satisfied.

Matrons and Chaperones

Where there is likely to be a large number of children participating in a performance or activity or the engagement is outside the area in which the child lives, matrons or chaperones must be engaged by the production company if the parent of carer is not present to represent their own child, subject to approval and licensing by the Local Authority.

**A maximum ratio of 1 chaperone to 12 children is recommended but the age and stage of development of the children to be supervised should also be taken into consideration and the number of chaperones to children increased as appropriate.**

A matron or chaperone will have responsibility for the care and control of the children to ensure their health, comfort and moral welfare.

Where a child suffers any injury or illness while in the charge of a matron or chaperone, he or she will ensure that the parent or guardian named in the licence application form and the Local Authority are notified immediately.