

Committee:	Dated:
Safeguarding Sub-Committee	12/05/2022
Subject: Child performance licences	Report is Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	<ul style="list-style-type: none"> • Contribute to a flourishing society <ol style="list-style-type: none"> 1. People are safe and feel safe 2. People enjoy good health and wellbeing. 3. People have equal opportunities to enrich their lives and reach their full potential. • Support a thriving economy <ol style="list-style-type: none"> 8. We have access to the skills and talent we need.
Does this proposal require extra revenue and/or capital spending?	No
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
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Summary

This purpose of this report is to update Members on the revised local policy and processes for performance licences for Children in the City of London.

National child employment guidance, which oversees the administration of child work permits, the issue of performance licences, Body of Persons Approvals (BOPAs) and chaperone licences, is available to all local authorities through the National Network for Children in Employment and Entertainment (NNCEE). However, local guidance specific to individual local authorities is less well known.

In October 2019, the Safeguarding Sub-Committee was advised that, due to the increased number of applications received, the Education and Early Years Service was reviewing its suite of policies and processes. The review included:

- the review of practice and policies as guided by national and local legislation and established good practice
- a benchmark of practice against Camden and other local authorities
- updated policy and practice documents, where necessary.

Recommendation

Members are asked to:

- note the points raised in the report.

Main Report

Background

1. There are statutory laws to help safeguard children of statutory school age while they are performing. The relevant primary legislation is Part II of the Children and Young Persons Act 1933 and Part II of the Children and Young Persons Act 1963.
2. The Children (Performances and Activities) (England) Regulations 2014 came into effect on 6 February 2015. These regulations replaced the Children (Performances) Regulations 1968 as amended, which were repealed in their entirety together with all guidance that related to them. The law applies to all children from birth until they reach compulsory school-leaving age.
3. A licence must be obtained before a child can take part in certain types of performance and activities, unless an exemption applies. These include:
 - 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, a pub, or theatre
 - any live broadcast performance – for example, a television or radio broadcast, or internet streaming
 - any performance 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, a video or sound recording of a performance on a website.

Child Performance Licences

4. A production company must apply for a child performance licence via a child's home local authority. The licence is registered to an individual, which sets out the conditions of a performance. Wherever a performance is taking place, the local authority issuing the licence must send a copy of the licence to the child employment officer at the local authority where the performance is taking place for inspection purposes. The City of London receives approximately 60 notifications of performances taking place each year.

Exemptions

5. Exemptions are set out in section 37(3) of the 1963 Act, which applies when a child is not being paid for participating in a performance (or another person), other than expenses. These exemptions do not apply to paid sport or paid modelling. The exemptions are:

- **The 'four-day rule'**

If a child has not performed on more than three days in the last six months, they will not need a licence for performance on a fourth day. Once a child has performed on four days in a six-month period (in any performance, regardless of whether a licence was in place on any of those days, or the child was taking part in a performance under the exemption rule) then a licence is required for any further performances. If a child is to be absent from school, this exemption cannot be relied on, and a licence will be required (unless the child attends an independent school, academy or free school where the headteacher can authorise absence for participating in a performance under the four-day rule).

- **Performances given under arrangements made by a school**

This is when a performance is solely organised by a school with no third-party involvement.

- **Performance given under arrangements made by "a body of persons approval (BOPA)"**

A BOPA is approved by the local authority where the performance is taking place, or – in some exceptional circumstances – by the Secretary of State. A BOPA, if granted, removes the need to apply for an individual licence for each child; it is granted to the organisation that is responsible for the performance. A local authority can grant the approval, even if the children taking part do not live within its boundaries. A BOPA can be issued when a large number of children are performing in one place and can only be issued when children are not receiving any payment and when the rehearsals and performances are taking place outside of school hours (unless the child attends an independent school, academy or free school where the headteacher can authorise absence for participating in a performance under a BOPA). Historically, BOPAs were only allowed to be issued to amateur groups such as theatre groups, however, more recently, the change in legislation has allowed production companies such as the BBC to request BOPAs where a large number of children are taking part in one performance.

Child Performance Inspections

6. A piece of paper, such as a licence, does not safeguard the child. To ensure that conditions of a performance and safeguarding is being adhered to, an authorised officer of the local authority where the performance is taking place has the power to carry out an inspection at venues and locations within the local authority boundary. A City of London Officer is required to inspect all new production companies who are putting on performances in the City of London and revisit them every three years.
7. The inspections are pre-organised and, on arrival, officers will expect to receive copies of the paperwork, as well as meet with chaperones and the children taking part in the performance. Other health and safety inspections take place, including checking that there are suitable changing areas for children to use.
8. In the extreme event that a performance is deemed unsuitable for children, or children are in anyway at risk, then the officers have the power to stop and cancel the performance.

Current Position

Increase in the number of performances

9. Prior to 2015, the service was receiving one or two BOPA applications per year. The number of BOPA applications has since increased, with seven processed in 2015, 10 in 2016, and more than 39 applications since 2016.
10. Due to the increase in the number of applications, a more streamlined and improved application process was required. This was to ensure that children are fully safeguarded. The Head of the National Network for Children in Employment and Entertainment (NNCEE) was commissioned to review the City of London's processes and to formalise a new local policy.
11. The methodology used for the review was as follows:
 - Initial and ongoing discussions with the City of London Education Service officers.
 - Review of the Policy and Procedures used in the City of London.
 - A gap analysis to check what policies and practices needed to be updated, and identifying where policies were incomplete.
 - All newly drafted policies and practice were checked against national legislation.
12. In the autumn of 2019 the new policy was drafted and sent to all relevant stakeholders, including colleagues working within the entertainment industry for comment (for example, the Barbican Centre).
13. In March 2020, a few weeks before the initial COVID-19 lockdown, the new suite of policies was presented at the Education Safeguarding Forum by the Head of the NNCEE. The revised policy was accepted.

14. As a result of the COVID-19 pandemic, all performances were cancelled in the subsequent months, and the implementation of the new policy was delayed. The published policy was sent to production companies on 24 November 2020.
15. One of the main changes to the policy was an added provision for further safeguarding measures for each performance. Production companies are now required to ensure that children arrive and leave the venue safely. There is an expectation on all production companies to carry out travel risk assessments for children travelling long distances, especially those who are very young and vulnerable.

COVID-19

16. The COVID-19 pandemic had a significant impact on the number of performances taking place between March 2020 and April. The number of applications fell as a direct result of the pandemic, with BOPA applications falling to 13, and the number of performance notifications falling by a third to 40 in 2021.
17. The timeframe to measure the impact of the changes has been limited due to COVID-19, however, we are already experiencing situations where production companies and organisations requesting to put on performances are having to think more about their accountability and the wellbeing of children taking part in their performances.

There are no strategic implications directly related to this report

- Financial implications – N/A
- Resource implications – N/A
- Legal implications – N/A
- Risk implications – N/A
- Equalities implications – N/A
- Climate implications – N/A
- Security implications – N/A

Conclusion

18. The Education and Early Years Service is committed to ensuring the safeguarding of children of statutory school age taking part in performances, that they are not exploited, and that their health and wellbeing is paramount, including access to education where necessary. The City is now fully compliant with its policies and practices, being one of the only local authorities in the country with its own suite of local policies and procedures. Having robust policies ensures that children are always safeguarded, whether travelling to a venue, at the performance, or returning back home.

Appendices

- Appendix A – Child Performance Licensing and Inspection Policy

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