



SWINDON BOROUGH COUNCIL

CHAPERONE LICENCE GUIDELINES

Children and Young person, England. The Children (Performances and Activities)(England) Regulations 2014

Regulation 15 – CHAPERONES

INTRODUCTION

It is a legal requirement that whenever children of compulsory school age, (The term after a child's 5th birthday to the last Friday in June if the child is 16 before the 31st August) are engaged in public performances or entertainment under a licence issued by the Local Authority or a Body of Person Approval. They must be supervised at all times by a licenced chaperone unless they are under the direct supervision of either parent or an agreed teacher/ tutor.

Chaperones hold a key role ensuring that the experience a child gains whilst engaged in such performances or entertainment is one that they enjoy and find beneficial. The Local Authority believes that this gives children the opportunity to grow as individuals. It helps to confidence and promotes self-esteem whilst enabling them to appreciate the needs of others and develop 'team' skills. Indeed we believe it can be a part of their education for life.

Consequently the Local Authority is committed to outlining the role of a chaperone and explaining how important we believe this role is to the individual and to the children under their supervision. Many chaperones first register with the Local Authority because their child is performing in the annual dancing school, amateur dramatic performance, etc. with little or no intention to be involved in any other productions. Whilst it is only right that these chaperones need to be properly advised on the requirement of their role, they also need to be aware that government only permits one standard of registration.

Registered chaperones have the authority to supervise children at the local amateur dramatic performances, at a top West End show or indeed on a film set or on location, on the other side of the world. It is therefore paramount that chaperons understand their role, the responsibility and obligation they have and how to use those powers effectively and for the benefit of the children in their care.

Chaperones may feel that they are in the way, and to some extent not giving the child(ren) sufficient freedom. However, the chaperone is the representative of the Local Authority and their sole concern must be to protect the health, safety, moral welfare and education, whilst ensuring the kind treatment, of each and every child in their care.

The role of the chaperone is essentially a safe-guarding role in the broadest sense which includes awareness of child protection issues. Not only does the Children and Young person Act require that chaperones ensure that the child is not at risk of exploitation; implicitly, it requires that the welfare of the child is paramount.

There may well be occasions where a producer will want a child to continue working beyond the hours allowed. It is vital that where this is the case the chaperone is strong enough to advise this person that the performance cannot be allowed to continue.

Child Protection issues are always difficult matters to deal with. We need to be sure that everything possible is done to protect the children in the care of the chaperone from harm of this nature. Therefore it is essential that potential Chaperones complete the on-line training requested of them. This is to ensure that they are fully aware of their responsibilities and duties as they will be loco parentis for any child(ren) in their care.

THE LAW

The Children and Young Persons, England. The Children (Performances and Activities) (England) Regulations 2014

A licensing authority must approve a person to be a chaperone to:

- (a) have care and control of the child;
- b) safeguard, support and promote the wellbeing of the child whilst the child is taking part in an activity, performance or rehearsal
- c) or whilst the child is living elsewhere than the place the child would otherwise live during the period to which the licence applies.

It is Swindon Borough Council's view and considered best practice by [National Network for Children in Employment and Entertainment \(NNCEE\)](#) that children performing under an exemption i.e. 4 day rule or under a Body Of Person Approval (BOPA) should be cared for by a chaperone approved by the local authority. Whilst acknowledging there is no legislative requirement, we take the view that all children deserve the same standard of care irrespective of the number of days they are performing. Arguably children performing under the 4 day rule are less experienced and therefore need more help, guidance and supervision. This is best provided by registered chaperones. The exception would be if the child were being cared for by a parent or a teacher who would ordinarily provide the child's education.

It is acknowledged that a parent has the right to care for their child, however it is preferable that an approved chaperone who has received training in child protection and performance legislation is employed to care for a child. This is particularly relevant in the professional setting when the chaperone will also have a working knowledge and experience of the production process.

Best Practice

Registered chaperones are of great benefit to production companies, helping them to ensure they do not inadvertently contravene the regulations. Experience has shown that parents can be 'star struck' and fail to adequately supervise their child as they are unaware of the requirements of the regulations

APPROVAL PROCESS

Application

The legislation states a licensing authority must approve a person to be a chaperone to have care and control of a child and to safeguard, support and promote their wellbeing.

A person wishing to be approved as a chaperone should apply to the local authority in which they reside, in this case Swindon Borough Council.

1. An comprehensive application form is completed and submitted to Swindon Borough Council.
2. The application is supported by two verifiable references from people who are not known solely to the applicant through the organisation for which they wish to become a chaperone
3. The applicant will be interviewed as a means to assess their suitability and competency for the role but also so that the expectations of being a local authority approved chaperone can be explained.
4. An Enhanced DBS check of all individuals applying to be approved as a chaperone will be carried out by Swindon Borough Council. **Please note there is a charge which is currently £9.60 to cover administration costs for the application of a DBS check.**
5. All potential applicants will be expected to complete online training in Child Protection, Child Sexual Exploitation, Information Sharing and Equality and Diversity.

In addition to the above Swindon Borough Council may carry out further checks with Family Contact Point to review any information held on the applicant. Information held may inform the decision whether to issue an approval or not.

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Training

Applicants will be expected to have an awareness of:

1. The legal requirements in relation to all child performances e.g. the earliest and latest time at place of performance or rehearsal, maximum performance times, breaks, accommodation requirements. See appendix 1
2. The role of the chaperone – what is expected of the chaperone and their purpose as set out in legislation (areas where judgement is needed for

example in relation to the ratio of children to chaperone which should take into account variables such as the gender and age of the children to be supervised; the physical considerations of the performance area).

3. Record keeping. See appendix 2
4. Child protection – signs to look out for when a child is distressed or fatigued and referral procedures within and beyond the production company on issues of wellbeing. Moreover in the rare situations where abuse is suspected, how to act and whom to inform. [LINK TO LSBC](#)
5. All Chaperones will be expected to have completed on line training via Swindon Borough Councils Artemis online courses, these include, Child Protection; Child Sexual Exploitation, Ethnicity and Diversity and Information Sharing.

Chaperones who intend to work in a professional setting e.g. film, television or professional theatre will require additional training. This should be carried out by the agency's own training course. This may cover:

1. The production techniques and requirements of major theatre, TV or film productions and requirements on "location"
2. Key aspects of child developments for example attachment, cognitive abilities (ability to consent), conformity (sensitivity to overt pressure), emotional vulnerability (sensitive topics such as body image), effect of anxiety and fatigue and non-verbal communication.

ISSUING A CHAPERONE LICENCE

Following the satisfactory completion of a DBS application, receiving of satisfactory references as well as attending an interview and passing the on-line training, a decision regarding the suitability and competence to care for children in accordance with regulation 15 will be made.

If the applicant has been approved a Chaperone Licence will be issued.

The licence will have a photograph of the chaperone, and is normally issued for a period of 3 years from the date of the DBS clearance.

Swindon Borough Council will hold a register of the chaperones they have approved.

REFUSING A LICENCE

Swindon Borough Council may refuse to approve a person as a chaperone for a number of reasons.

DBS – records disclosed

The applicant may be interviewed to obtain full details of the offence and the circumstances. The decision to approve will be determined by the information given

at interview together with recognised procedures for the Employment of Ex-Offenders.

Unsatisfactory reference

A referee may express concerns about an applicant's suitability to care for children or may have knowledge of an allegation or disciplinary issues. The referee may be contacted for further information. It may be decided to interview the applicant. The decision to approve will be determined by the information given at interview and be in line with Working Together to Safeguard Children 2015.

Information held on Children Social Care Record

The applicant should be interviewed to obtain a full account of the circumstances. The decision to approve will be determined by the information given at interview.

Other circumstances

1. There may be other circumstances when Swindon Borough Council may consider refusing to approve a person as a chaperone, for example there may be health issues or a disability that needs to be considered. The type of disability together with the location where they intend to act as chaperone will influence the decision. In order not to discriminate a licence is issued with conditions attached.
2. A person may not have demonstrated the required skills, knowledge or understanding of the role during the training session and a 1:1 interview should be held to address this.

If Swindon Borough Council refuses to approve a person as a chaperone they will confirm the reasons for the decision in writing.

Revoking a Licence

Swindon Borough Council hold the right to revoke a licence if information is received that brings into question a person's suitability to work with children.

THE ROLE OF THE CHAPERONE

The chaperone is the key person who protects, safeguards and supports the child. They are the point of safety a child can turn to and rely on should the need arise. The chaperone has a major part to play in ensuring that the child's experience is enjoyable and beneficial.

It is essential that the chaperone not only fully understands their responsibility and obligation to the child but has a thorough understanding of the performance legislation and a working knowledge of the production process and requirements of the particular genre they may be working in. They must realise and understand the extent of their authority and use that effectively to protect and benefit the children in their care.

Except when a child is in the care of a tutor, the chaperone is in loco parentis and should exercise the care a good parent might be reasonably expected to give a child.

Duties and responsibilities

The Regulation states that the maximum number of children a chaperone may supervise is twelve. However, after taking into account the ages and gender of the children, Swindon Borough Council may consider that the chaperone can only effectively look after a smaller number. The type of performance and location will also impact on the number of children a chaperone can care for.

The chaperone should remain with the child at all times. They must accompany them to and from the dressing room, school room, studio, set or stage as well as remaining in the studio, on set or by the side of the stage whilst the child is performing. They must have the child in view at all times.

The chaperone must also remain with the child during meal and rest breaks and during any recreation breaks. If the child is staying away from home the chaperone must stay with them at the lodgings.

Arrangements for handing over responsibility for a child e.g. between parent and chaperone, chaperone and tutor or chaperone and chaperone will vary according to the circumstances, however it is important to ensure there is never a time when it is unclear who is responsible for the child.

If there is more than one chaperone on duty it must be absolutely clear both to the children and other relevant people which chaperone is supervising which children.

The chaperone's first duty is to look after the children in their care and they must not undertake any other duty e.g. they cannot be involved in technical aspects of the production, direction or be taking part in the production.

Chaperones must understand and be aware of the dangers of becoming involved in a 'conflict of interest'. Production may exert pressure on the chaperone to agree to something which may not be in the child's best interests. Whilst this is more likely to happen within the professional arena there is nothing to say it will not occur in the amateur sector.

Appendix 2

NNCEE Table



CHILDREN IN ENTERTAINMENT RESTRICTIONS IN RELATION TO ALL PERFORMANCES

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum number of hours at place of performance or rehearsal (Reg.22)	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal (Reg.21)	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal (Reg.22)	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance or rehearsal (Reg.22)	2 hours	3 hours	5 hours
Minimum intervals for meals and rest (Reg.23)	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.
Education (Reg.13)	N/A	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.
Minimum break between performances (Reg.23)	1 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes
Maximum consecutive days to take part in performance or rehearsal (Reg.26)	6 days	6 days	6 days

Note: Local authorities should take note of Regulation 5 that allows the licensing authority to further restrict these permitted hours, breaks etc. and place additional conditions on the licence if this would be in the best interests of the individual child.

Appendix 2

Record keeping

The Regulation states the licence holder must keep certain records for each child and very often it is the chaperone who will be asked to complete the Daily Record sheet. The information which must be recorded is detailed below.

- a) The date
- b) The time of arrival at the place of performance or rehearsal
- c) The time of departure from the place of performance or rehearsal
- d) The times of each period during which the child took part in a performance or rehearsal
- e) The time of each rest interval
- f) The time of each meal interval
- g) The time of any night work authorised by the licensing authority under Regulation 28 of the Children (Performances and Activities) (England) Regulations 2014
- h) Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught
- i) Details of injuries and illnesses (if any) suffered by the child at the place of performance or place of rehearsal, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance or place of rehearsal
- j) Any incident regarding the child's welfare or treatment causing concern
- k) The dates of the breaks in performances required under regulation 27(1) of the Children (Performances and Activities) (England) Regulations 2014

Swindon Borough Council should be informed of any concerns or issued promptly. Records should be kept for up to 6 months following a production.

Working practices for chaperones

The following points can form a useful checklist for chaperones:

Dos and Don'ts for Chaperones

DO:

- check the child is comfortable** – you are the person to whom the child looks to guidance , protection, clarification and protect
- 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 e.g. 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**
- exercise discretion (only when regulation allows) where that is in the best interests 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)**
- ignore or down play questionable behaviour from adults or other children**
- allow the child to be pushed into things that they don't want to do**
- take photos of the child**
- seek autographs from performers or become star struck**

- use inappropriate language or smoke whilst on duty**
- consume alcohol or be under the influence of alcohol whilst on duty**
- wear inappropriate clothing**