



Child Performers

**Produced in consultation with
Bates, Wells & Braithwaite, Solicitors**

At the time of writing this helpsheet the festive season is approaching and performing arts companies may be looking to engage child performers for holiday shows. The diverse nature of ITC members' work means, however, that this is not just a seasonal trend.

This helpsheet sets out the basic rules on using child performers: some apply universally and some are at the discretion of the Local Education Authority (LEA) which licences the child performer.

What is the law?

The Children & Young Person Act 1963 and various Regulations set out -

- When children aged below compulsory school leaving age may take part in performances.
- When child performers must have licences.
- Some standard safeguards.

What is compulsory school leaving age?

Compulsory school leaving age is generally 16. Young people can leave school on the last Friday in June of the school year if they reach the age of 16 before the first day of the following (September) term. If they reach 16 after that September date they have to stay at school until the end of the school year and will be considered as children for the purpose of employment even though they may be aged over 16.

When may children take part in performances?

The Children (Performance) Regulations 1968 set out the conditions under which children under thirteen, who cannot normally work, can appear in stage performances. The Regulations set out the number of performances per week, hours of work, breaks etc and are set out below.

Performances	2 per day (if of same nature)	1 Perf & 1 rehearsal OR 2 Perfs
Performances per Week	Max. 6 days per 7 day week	Max. 8 consecutive weeks then 2 week interval before performing again in ANY production
Time Gap between performance days	14 hours must elapse between the end of the previous days performance and the beginning of the following days performance	
Performance Time	Max. 3 hrs 30 mins	Including breaks
Appearance Time	Max. 2 hrs 30 mins	aggregated
Intervals	1 1/2 hours minimum	Between 2 perfs OR 1 perf & 1 rehearsal
Exception to Intervals (in any week)	On not more than 2 days minimum of 45 minutes interval between performances and/or rehearsals. Maximum 6 hours at place of performance	
School Day	Attending school after the morning session	1 performance OR 1 rehearsal ONLY
Performance hrs.	Age 5-8	Age 9 and over
Earliest Arrival	10 a.m.	10 a.m.
Latest Departure	10 p.m.	10.30 p.m.
Exception (1)	10.30 p.m.	11.00 p.m.
Exception (2)	Not later than 11 p.m. on not more than 3 evenings per week, provided that he is not so present on more than 8 evenings in a period of 4 consecutive weeks.	
Medical (1)	YES (<i>period longer than 1 wk</i>)	Performing over 6 consecutive days
Medical (2)	NO (<i>period less than 1 wk</i>)	Performing under 6 consecutive days
Arrangements for getting Home	Applicant shall ensure that suitable arrangements (having regard to the child's age) are made for the child to get to his home or other destination after the last performance or rehearsal or the conclusion of any activity on any day.	

The Licence

When must child performers have licences?

- When you employ children in shows they will generally need a licence if
 - a charge is made for admission to the performance or
 - the performance is at licensed premises or a registered club or
 - the performance is in premises which, by virtue of an authorization may be used for the supply of alcohol or
 - the performance is recorded (by whatever means) with a view to its use in a broadcast or such a service or in a form intended for public exhibition
- The licence is also essential to apply for the child to be absent from school for rehearsals or performances.
- A licence is not generally required if
 - the child does not perform on more than three school days in any six months (provided that there is no absence from school),
 - the child is appearing in a school performance/performance put on by a body approved by the Secretary of State/LEA, where no payment is made to the child (or anyone else).

NB: LEAs would generally require a child to be licensed if absence from school is required for any performance irrespective of the above. Check with your LEA.

How do you get a licence?

- Applications must be made by the person/organisation responsible for the production.
- Licence applications must be made to the LEA for the area where the child performer lives
- Licence applications should be made at least twenty one days before the performance.
- The applicant must complete Part 1 of the Licence Application form and must produce –
 - The child's birth certificate or "other satisfactory evidence of the child's age".
 - Two unmounted photographs of the child taken within the six months preceding the application date.
 - A copy of the contract, draft contract or other documents detailing how the child's appearance in performance will be regulated.
 - Medical certificate (this is not always required for theatre work, it will depend upon how many consecutive dates the child performs).
 - Particulars of the performance in which the child is to take part – description of role; place of performance, dates of performance, time and duration of performance, anticipated arrival & departure times (i.e total anticipated time at Place of Performance); approximate duration of the child's appearances in the performance; amount of night work (nb: this is at the discretion of the Local Authority); tutor details; school absence details; chaperone details; lodgings if the child lives away from home; approximate travel time; earnings; any other LEA to which an application has been made for other children to take part in this performance.
- A parent of the child must complete Part 2 of the Licence Application form which includes –
 - Child's name, date of birth, address.
 - Names/addresses of schools attended during the 12 months preceding the application.
 - Particulars of each licence granted (or applied for and refused) during the 12 months preceding the date of application by another LEA.
 - Particulars of any performances the child took part in the preceding 12 months where a licence was not required.
 - Dates on which child was absent from school to take part in performances in the preceding 12 months.
 - Any other form of employment in which the child is engaged in the preceding 28 days.
 - Sums earned by the child during the 12 months preceding the applications.

NB: Permits are issued both to the child and to the employer. Some LEAs may send them to each party separately. Some LEAs will send both permits to the employer who should give the child's copy to the child upon receipt. LEAs may also copy a permit to the LEA in whose area the child goes to school or lives and/or to the child's school. Employment Permits are specific to the child, the employer and the employment. If a child has more than one job (whether it is with the same employer, another employer or at a different place of employment) each job needs to be registered separately.

What will the LEA check?

- An LEA will want to be certain that the child is fit, that his/her education will not suffer and that there will be proper supervision before they agree to a licence. They will also want to be sure that there are suitable travel arrangements for the child in place and that the venue is suitable.

- Under Section 38(1) of the 1963 Act the Licence Applicant must declare to the LEA that the licence is for acting, dancing or musical performance: the application must be accompanied by a declaration that the part cannot be taken except by a child of about his/her age.
- A Health & Safety Risk Assessment should be completed for all working children. The employer should pay particular attention to the child's lack of experience in the workplace and notify their parent or guardian that a risk assessment has taken place. Contact the Health & Safety Executive if you want more information about carrying out a risk assessment.

What information will the licence contain?

- Details of the child.
- Photograph of the child.
- Identity of the Licence Holder.
- Name and nature of the performance.
- Place of the performance.
- Dates of performances or, in the case of some recorded performances, the number of days during a period not exceeding six months for which a child is licensed.
- Any conditions made by the Local Education Authority, these could include.
- Permitted hours, transport and chaperoning arrangements, sums earned and education.

Supervision of child performers

- The Licence Holder will be responsible for ensuring that the supervision requirements of the licencing authority are met. Children must be in the care of either their “legal guardian” or a registered “matron” (now generally referred to as a “chaperone”).
- Only parents are legal guardians, not grandparents, uncles, aunts, child minders etc. Parents cannot chaperone children other than their own – unless they are also licensed as chaperones.
- Chaperone licences are issued by the LEA where the chaperone lives.
- Checks: Most LEAs will check applicants’ i-d papers and references and require an Enhanced Disclosure check.
- The maximum number of children one licensed chaperone can look after is 12. This number is frequently considered too high, LEAs can insist on a lower number of children per chaperone.
- The Chaperone should check that the children in their care are licensed to perform. They should see the licence. They should know which LEA has licensed each child, which LEA areas each child is performing in, who is each child’s Agent (if appropriate), details of each child’s parent/legal guardian.
- The Chaperone should keep a record of the times the child rehearses and performs, so as to ensure that the periods permitted under the Regulations are not exceeded.
- If a child is performing in a touring production the Chaperone must look after them at all times, this includes –
 - All communication (written or otherwise) with children must be made through the chaperone.
 - Ensuring that, except when the child would normally be on holiday, the course of education provided by the employer and approved by the licensing Authority is followed.

- Accompanying the children at all times when they are out in the streets.
- Sleeping in the house in which the children sleep, near to the room occupied by the children. Checking that lodgings are satisfactory and reporting at once to the employer of the children if he/she considers them unsatisfactory in any respect.
- Ensuring that the child is properly occupied during any spare time; in general he/she may need to exercise a greater amount of supervision than if the child were living at home.

Other points

Tax & NI

Children's earnings are liable to income tax in the same way as other employees, however, NI deductions do not apply to under 16s.

Children Performing Abroad & Children Performing in the UK from Abroad

When children from the UK perform abroad they must have a licence from their local Magistrates Court or Bow Street (practices differ depending on which part of the country the child lives). For more information, contact your LEA, local Magistrates Court or Bow Street.

Children performing in the UK from abroad must be licensed in the UK and comply with UK legislation on hours of work etc. The procedures are exactly the same as for a UK child.

Further Information

ITC Training: Child Protection

Relevant Legislation

Children & Young Person Act 1963
 Children (Performance) Regulations 1968
 Statutory Instruments 1968: No. 1728
 The Children (Performance) (Miscellaneous Amendments) Regulations 1998
 Statutory Instruments 1998: No. 1678
 The Children (Performance) Amendment Regulations 2000
 Statutory Instruments 2000: Nos. 10 & 2384

Websites

Most Local Education Authorities have information about the employment of children on their websites, sites used in the preparation of this helpsheet were:-

National Network for Child Employment & Entertainment: www.buckscc.gov.uk/nncee/
 Surrey County Council: www.surreycc.gov.uk/sccwebsite/sccwspages.nsf/LookupWebPagesByTITLE_RTF/Children+in+entertainment?opendocument