GOOD PRACTICE
For voluntary amateur theatrical organisations

Within the boundary of
Southend-on-Sea Borough Council
January 2009
Acknowledgement:

This document has been produced as part of a development partnership between Essex County Council’s Education Welfare Service & Child Employment Team and local members of the National Operatic and Dramatic Association (Noda).

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Section 1. Introduction and Background

For some considerable time, nationally, organisations and individuals have raised concerns with a range of issues concerning the implementation of legislation for children who perform.

Most Local Authorities have a small dedicated team whose responsibilities are the administering of:

- The regulations concerning the part-time employment of children from the age of 13 years until the end of their compulsory education; and
- The regulations concerning children who entertain from birth until the end of their compulsory education.

Although the teams’ role is one of enforcement, in practice they work to develop and maintain strong working relationships with those concerned with all issues of child employment.

Child Employment Teams have increased the development of working relationships with amateur dramatic organisations both nationally and locally. They have become more aware of the need for voluntary organisations to be enabled to minimise the administration and bureaucracy when developing their considerable number of productions without minimising the support and welfare of their child members.

The Welfare of the child is ‘paramount’
1989 Children’s Act

This document has therefore been developed by members of Essex County Council’s Child Employment Team and representatives from 7 of their local drama groups.

The 7 groups represented were all members of the National Operatic and Dramatic Association (NODA). Founded in 1899, NODA is the main representative body for amateur theatre in the UK.
The following pages describe the group’s efforts in creating an atmosphere of continually evolving *good practice* initiatives. Their intention was not to restrict this guidance within the boundaries of the Essex County Council, but to enable other local authorities to follow this practice.
Section 2. Legislation, definitions and licensing

The following is a list of the legislation and regulations that govern children in entertainment:

- Children & Young Persons Act 1933 & 1963
- Children (Performances) Regulations 1968
- The Children (Performance) (Miscellaneous Amendments) Regulations 1998 (1)
- The Children (Performance) Amendment Regulations 2000
- The Children (Performance) (Amendment) (No.2) Regulations 2000
- Statutory Instruments: 1968 No. 1728, 1998 No.1678, 2000 No. 10 and No. 2384

Definition of a child

For the purpose of children in entertainment, a child is a person aged from birth until the end of their compulsory schooling.

The end of compulsory education

A child ceases to be of compulsory school age on the last Friday in June of their academic year 11.

Although a young person can remain in education after this date this is then classified as voluntary education.

The requirement to licence

Children

The above legislation requires licences to be issued by each local authority for children who take part in one of the following categories:
• **Broadcast performances that cover**: films, TV, video – all performances that will be broadcast

• **Non-broadcast performances that cover**: theatre, modelling, sport (activities), that are non-broadcast.

Section 37(3) (b) of the Children and Young Persons Act 1963 does not require a child to be licensed if:

“(b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1944 or the Education (Scotland) Act 1962)…”

**Exemptions**

The legislation and regulations enable some exemptions for the need to licence individual children who take part in entertainment (see Section 3).

Children are required to be licensed in one of three ways:

- An individual licence for each child;
- As a member of a **Body of Persons** licence (not currently issued in Southend);
- Or the licensing authority agreeing to the **four day rule** being applied

To ensure that your society applies for the correct form of licence advice should be sought from the local licensing authority before an application is made. For the Borough of Southend, it is Southend Borough Council who is the licensing authority. The contact details are shown at the end of this document.

There is a legislative requirement that children taking part in a performance should be licensed unless they fall within an exempted category (see section 3).

Children who take part in a rehearsal are not required to be licensed. However, taking part in a rehearsal during the life of a license to perform may, in special circumstances, affect the number of days on which a child can perform (see Section 5, page 13)
Chaperones

All children licensed to perform are required by law to be supervised by a chaperone (or matron).

The chaperone can be either a child's parent or a licensed chaperone engaged by the Production Company or producer.

Children who take part in a rehearsal, group meeting sessions or are unlicensed (because they are only performing for 4 days in 6 months) are not required by law to have a chaperone. However, as a matter of Good Practice, it is suggested that chaperones should always be present at rehearsals and performances.

Adult helpers should be encouraged to become licensed chaperones. The local authority will licence an adult (over 18) as a chaperone and will undertake an enhanced criminal record check (see Section 6)
Section 3. Exemptions

Performances where an individual child does not need a licence

Mainstream schools do not have to licence children taking part in productions organised by the school.

The above Act and Regulations enables two further categories of exemptions to be used by local authorities whereby individual children do not need a licence. They are:

- The four day rule; and
- A Body of Persons (not currently issued in Southend)

The Child Employment Team of Southend Borough Council promotes and enables voluntary and professional groups to use the four day rule where appropriate.

Section 4 illustrates the requirements of the legislation to allow this exemption to be used.
Section 4. The four day rule

The Children and Young Persons Act 1963
The Children (Performances) Regulations 1968

“The Act and the Regulations constitute a comprehensive new code, governing the circumstances in which children under the upper limit of compulsory school age may take part in performances of all kinds, and containing safeguards for the children”

The Act and Regulations identifies performances where an individual child does not need to be licensed:

The four day rule

This exemption can be considered for use by both professional and amateur companies. A licence is not required for a child if:

- They perform for only 4 days in any 6 month period
- They do not need time off from school to undertake the performance; and
- They do not receive any payment other than expenses.

If they take part in a performance for their full time school (this is the educational school, not a full time drama school or school of dance) then a licence is not needed as this is seen as a part of their full time education.

Children who fall within the exemptions and do not need a licence are still covered by Regulations 21, 22, 33 and 34 of the Children (Performances) Regulations 1968 covering the number of days on which children may perform and permitted hours of performance (see Section 5)

Each organisation should consider using the four day rule where appropriate; however this should not be done without consulting the Child Employment Team (contact details at the end of this document) who would need to know the names of the children taking part in
the production, and the production dates. The LEA has a duty to monitor the work these children are undertaking, and a production that has children performing under the four day rule is still subject to inspection by the Child Employment Team.

**Accidents and Insurance Claims**

Producers may wish to check with their insurance companies that in the event of a child being involved in an accident with the need to consequently claim against the organisation’s liability insurance and if that child is performing outside the regulations (illegally) whether the liability would still be covered by the insurance company.
Section 5. Performance Criteria

The following performance criteria apply to all children who perform whether they are individually licensed or are exempt from needing a licence.

Number of days permitted to perform

Broadcast or recorded performances:

- A child may not take part in a performance or rehearsal on more than five days in any period of seven days

Other Performances:

- A child may not take part in a performance or rehearsal on more than six days in any period of seven days (note that in this context rehearsal is defined as one taking place during the life of the licence)

If there is a mix of broadcast and non-broadcast performances / rehearsals during the life of the licence a child is not allowed to take part on more than five days in any period of seven days.

Permitted hours of performance

The regulations permit different hours for stage performances compared to those for broadcast or recorded performances.

Stage performances

<table>
<thead>
<tr>
<th>Age</th>
<th>Earliest Start Time</th>
<th>Latest Finish Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 13</td>
<td>10:00am</td>
<td>10:00pm</td>
</tr>
<tr>
<td>13 or over</td>
<td>10:00am</td>
<td>10:30pm</td>
</tr>
</tbody>
</table>

The latest time may be extended by half an hour, but not on more than 8 evenings in 4 consecutive weeks, and even then, not on more than 3 evenings in any one week.

A child must not take part in a performance that lasts more than three and a half hours.
A child’s part or total appearances must not exceed **two and a half hours**.

**Maximum performances per day:** A child must not appear in more than two performances or one performance and one rehearsal in one day.

**Breaks in performances:** There must be an interval of at least **one and a half hours** between two performances or rehearsals in the same day (this interval may be reduced to **45 minutes** on two days in a week, providing the child is not at the same place of performance for more than six hours)

If a child has taken part in a performance or rehearsal on the previous day there must be a break of at least **fourteen hours** before he is again present at the place of performance.

*For example if a technical rehearsal continued until 10:30pm on one evening, a thirteen year old must not attend for a dress rehearsal until at least 12:30pm the following day.*

**Performances – daily times and hours**

See section 6, appendix 1 for a chart illustrating the regulations on the times and hours a child can participate in a performance.
Section 6. Information for chaperones

The following shows the responsibilities and requirements of licensed chaperones. It looks daunting but comes down to practical common sense. The Children (Performances) Regulations 1968 only apply to actual performances and therefore the following information does not legally apply to rehearsals or groups / societies regular meetings. It is suggested however, that in terms of good practice the following requirements have a place within regular meetings of groups / societies.

The regulations require 1 chaperone to 12 children. However good practice suggests that it would seem sensible to have 2 chaperones to 12 children (to cover any eventuality such as one of the chaperones needing to attend to a sick child). It is also good practice to consider appropriate gender issues.

If a group of children does have more than one chaperone it is essential that each chaperone ensures that they have taken into consideration the following, irrespective of whatever others may have already done.

**A chaperone is acting *in loco parentis* and should exercise the care which a good parent might be reasonably expected to give that child**

**Welfare responsibility**

- A chaperone’s first priority is always to the child and they must not take part in any activity that would prevent them from proper supervision and care of the children they are responsible for.

- A chaperone will have total charge of a child – unless the child is being chaperoned by his/her parent/carer – whilst the child is at the theatre / performance location, and is responsible for the child’s care and control. If the child has completed his performance and is then handed into the care and control of his parents who are
outside of the stage performance area, then the chaperone will no longer have responsibility for the child.

- A chaperone must ensure the child’s welfare overrides all other considerations. *1989 Children Act “The welfare of the child is paramount”*

- If a chaperone feels that a child is being overworked or is unwell / not fit to continue then the chaperone has a duty to inform the producer that they are not prepared to allow the child to continue for that day (as a guide to times and hours worked see section 6, appendix 1).

**Punctuality**

- A chaperone should always arrive at the place of performance before the children to ensure that the children are not left without the supervision of the appropriately recognised adult.

**Practicalities**

Upon arrival a chaperone should familiarise themselves with basic health and safety issues:

- The sound of the fire alarm
- The fire exits
- The assembly location
- The first aider and any procedure of the theatre/performance location.

Whilst familiarising themselves with this information the chaperone should also be aware of, and take appropriate action where they find:

- Obstructions around fire exits
- Floor areas that are dimly lit
- Hazards that may cause people to trip
• The condition and availability of toilets, washing, changing facilities and rest rooms (chaperones should ensure these meet the regulatory requirements).

Chaperones should also ensure they are familiar with who the children are, and the names of the specific children they are responsible for, as well as the parent/carer contact details for each child.

**Recordings (record keeping)**

• When the children arrive at the theatre / performance location the chaperone must ensure that the child is registered as being on site.

• Schedule 3 of the Children and Young Persons Act 1963 requires certain records to be kept by the show’s producer (it is the producer’s responsibility to ensure that the records are maintained, however this task often falls to the chaperone) please see appendix 2.

**Supervising the child / children**

A chaperone is expected to supervise children when they are not required on stage. This includes:

• Ensuring that they have appropriate amounts, and types of refreshments;
• Ensuring that appropriate behaviour is maintained;
• Ensuring that the child / children do not leave the location without their parent(s) or nominated adult;
• Ensuring that the child / children are transported home appropriately.

**Child protection**

A chaperone must have a general knowledge of their society’s policy on child protection and an understanding of the practice issues involved in implementing the policy.
Car / vehicle insurance

Separate to the above regulations it is also felt that good practice must also include some recommendations regarding car / vehicle insurance as well as some pointers to travelling good practices (please see Appendix 3).
# Appendix 1. Non recorded performances – daily times and hours

The following chart shows the regulations of times and hours as required by the Children (Performances) Regulations 1968. All categories of children’s entertainment licensing, including licence exemptions are subject to these times and hours.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the maximum length of performance a child can appear in?</td>
<td>The total duration of the performance cannot exceed <strong>3.5 hours</strong></td>
</tr>
<tr>
<td>What is the maximum length for a child’s part in a performance?</td>
<td><strong>2.5 hours</strong></td>
</tr>
<tr>
<td>What is the amount of consecutive days a child can perform</td>
<td><strong>6 days</strong></td>
</tr>
<tr>
<td>Can a child perform / rehearse on school days?</td>
<td>If the child is expected to attend school all day, they are <strong>not</strong> permitted to take part in more than <strong>one</strong> performance or rehearsal.</td>
</tr>
<tr>
<td>What is the maximum number of performances a child can take part in on non school days?</td>
<td>On a day when a child is not expected to be in school they can perform in either: <strong>2 performances</strong>; or <strong>2 rehearsals</strong>; or <strong>1 performance &amp; 1 rehearsal</strong> They must be playing the same part in both performances.</td>
</tr>
<tr>
<td>What is the minimum interval required between rehearsals and performances?</td>
<td><strong>1.5 hours</strong> On <strong>2 days</strong> of the week this interval can be reduced to <strong>45 minutes</strong>, however on these days the child cannot be at the place of rehearsal or performance for more than <strong>6 hours</strong>.</td>
</tr>
</tbody>
</table>
| What are the earliest and latest times of arrival / departure from the place of rehearsal / performance? | Under **13 years of age**:  
10am-10pm (or 30 mins after the end of the child’s performance, whichever is earliest)  
13+ years of age:  
10am -10:30pm (or 30 mins after the end of the child’s performance, whichever is earliest) |

**Note:** If the child is working on consecutive days, there must be a break of at least 14 hours.
Appendix 2. Recordings

The following is a copy of the requirements of the regulations that apply to all categories of children’s entertainment licensing, including licence exemptions.

We appreciate that the performances by voluntary amateur dramatic societies are completely supported by unpaid voluntary helpers. Therefore where there is a requirement to record times on, times off for performances and rest and meal intervals a total amount of time taken for these categories is acceptable to the Southend Child Employment team.

The records must be kept for a period of 6 months after the last day of the performance, when they can be destroyed. The records must be available for inspection during a performance and then held by the producer / secretary of the society.

Southend Borough Council do not require these records to be sent to the Child Employment Team as a quarterly return, but they must be available for inspection within each 6 month period.

The Children (Performances) Regulations 1968, Regulation 5, Schedule 3

Records to be kept by the holder of a licence

The holder of a licence shall keep the following records:

1. The licence

2. The following particulars in respect of each day (or night) on which the child is present at the place of performance:
   a. The date
   b. The time of arrival at the place of performance
   c. The time of departure from the place of performance
   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 times of any night-work authorised by the local authority under Regulation 30 of the Children (Performances) Regulations 1968

3. 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.

4. Details of injuries and illnesses (if any) suffered by the child at the place of performance, 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.

5. The dates of medical examinations (if any) of the child carried out under Regulation 17 of the Children (Performances) Regulations 1968.

6. The dates of the breaks in performances required under Regulation 16 of the Children (Performances) Regulations 1968.

7. The amount of all sums earned by the child by reason of taking part in the performance and the names, addresses and description of the persons to whom such sums were paid.

8. Where the licensing authority grant a licence subject to the condition that sums earned by the child shall be dealt within a manner approved by them, the amount of the sums and the manner in which they have been dealt with.
Appendix 3. Chaperones and motor vehicle insurance

While working as a chaperone you may be asked to transport children in your own vehicle to and from performances / productions. We recommend you consider the following points before your journey:

As a result of the repeal of the PHV (Private Hire Vehicle) “Contract Exemption” from the Road Safety Act 2006 in January 2008, chaperones who receive payment for carrying out their duties should not transport children in any vehicle that fits the definition of a PHV\(^1\) for any purpose other than an emergency unless they acquire a PHV licence from the local authority. Chaperones who are genuine volunteers (who do not receive any form of payment other than to cover expenses) may transport children as part of their duties because since they receive ‘no commercial benefit’ they do not satisfy the definition of a PHV.

Those chaperones who do transport children in line with their duties should consider the following:

- Passenger comfort / safety;
- Driver qualifications and competence;
- The type of journey;
- Potential traffic problems including breakdowns;
- Changes in weather conditions;
- Procedures for notification of late return;
- Contact details in case of emergencies.

Section 143 of the Road Traffic Act 1988 requires all drivers using a motor vehicle on the road to have a policy of insurance in place for that vehicle.

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\(^1\) A PHV is defined as: “a motor vehicle constructed or adapted to seat fewer than nine passengers… which is provided for hire* with the services of a driver for the purpose of carrying passengers”. 

*"for hire" is defined as there being “some element of commercial benefit”. This may be interpreted as receiving a salary for the overall duties during the course of which the driver was required to transport passengers.
Southend Borough Council strongly recommends you have comprehensive level cover for your vehicle insurance.

You must have insurance cover that allows occasional business use (there is normally no additional premium for this cover). This will cover your employment as a chaperone, whether you are paid or acting as a volunteer. All insurance policies automatically cover passengers for injury (third party liability).

From 18th September 2006, a new law came into force requiring that all children, up to either their 12th birthday or until they reach a height of 135cm (whichever comes first), be placed in appropriate booster seats. (The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006). Failure to comply with this legislation could result in a fine of up to £500, and is likely to invalidate your motor insurance.

We also recommend the following practices:

- Whenever possible transport children in the rear seats only.
- Avoid travelling in convoy as attention to road conditions can be diverted and those at the rear can be tempted to take risks in order to keep up with the convoy. Ensure all drivers know the route before departure.
- Smoking, alcohol and drugs bans must be strictly adhered to. If travelling a long distance, plan a comfort break every two hours.
- Ensure your vehicle is roadworthy and has all the necessary legal documents, i.e. Vehicle Excise Licence, MOT. Ensure you have sufficient fuel, oil and water and ensure your lights work.
- If you are using a mini bus to transport a large number of children ensure you have at least one other adult with you, who should sit in the rear of the vehicle to supervise the children and allow the driver to concentrate on the road.
- Ensure all costumes and equipment is stored safely and securely.
Section 7. Recognising Child Abuse

Introduction

*All children have the right to grow up to be protected from harm.*

Protecting children is everybody’s business – no matter if they are professional workers or everyday citizens.

This document has been specifically developed for adults working with children and young people in entertainment, and to simply create awareness of:

- The expectations placed on matrons / chaperones;
- The responsibilities within the framework of child protection;
- Safe practices;
- Professional conduct.

It is also intended to provide guidance about recognising and referring suspected or actual child abuse, hoping that it will contribute towards the development of the individuals’ child protection observation skills.

Context

Children have the right to protection from neglect, physical, emotional and sexual abuse.

Individuals and the community as a whole has a responsibility for the protection of children and for the reporting of concerns about an individual child’s welfare or safety.

Organisations, companies and individuals working with children and young people must have a particularly important role to play in the welfare and development of these young people.

The Children and Young Persons Act 1989 lays down the health and safety needs of children and young people who perform. These needs are met through the regulation of
the number of hours they can rehearse and perform as well as the activities they cannot undertake and the standard and conditions in which they may work.

Therefore the production companies and the particular chaperones have a responsibility to promote and safeguard the welfare of the children and young people in their care.

**The role of the chaperone** is in actual fact one of safeguarding in the broadest sense. The Children and Young Persons Act 1989 requires chaperones to not only ensure that the child or young person is not at risk of exploitation but also to ensure that the child or young person’s welfare is paramount.

It is **good practice** for production companies and their staff to have a nominated person with child protection training as a point of reference for chaperones. Chaperones should be made aware of whom the nominated person is and that they are able to give support and help when making a referral to the relevant social services team in their area.

Dealing with suspected or actual child abuse is always stressful, worrying and upsetting. Chaperones and others working with children and young people in entertainment need to know how to recognise the possible signs of abuse and the action they should take to help protect children and young people, as well as gaining personal support.

**Safe practice for production company staff and chaperones**

All staff of a production company:

- **Cast**
- **Crew**
- **Chaperones**

And particularly those involved in direct physical contact with young performers, such as:

- **Dressers**
- **Make-up Artists**

Must be careful of their conduct, including:

- **Use of Language**
- **Touch**
- **General Behaviour**


Physical Contact

All unnecessary physical contact must be avoided so that either young people or other adults cannot misinterpret innocent actions.

Wherever possible, direct physical contact with children and young people for the purpose of costume dressing or make-up should be carried out in the presence of other adults, and must not involve intimate touching.

General behaviour

Meetings with children and young people should not be undertaken alone, preferably another adult should be present, and the meeting should be held in a venue that is accessible to other people.

Special relationships and favouritism should be avoided, they are divisive and can be misinterpreted.

Any unusual comments or disturbing behaviour by either a child / young person about an adult member of the production company or a peer must be reported to the nominated person with child protection responsibilities or a senior member of the production company. This person should, where appropriate, support the adult to refer their concerns to the child protection team of social services.

Signs and symptoms

What to look for

Recognising abuse is not a precise science, but the following sections outline some of the possible indicators that a child / young person has been or is being abused.
Physical abuse

This type of abuse is perhaps the easiest to spot and tell apart, for example in injuries, which are not typical of the bumps and scrapes associated with children’s activities.

- The regular occurrence of unexplained injuries or the child who is frequently injured where there are conflicting explanations of how the injuries were sustained.
- Injuries that do not fit the explanation
- Furtive, secretive behaviour and / or uncharacteristic aggression or withdrawn behaviour can also be an indicator as can changes such as a child who suddenly becomes uncoordinated, or finds it difficult to stay awake.

Emotional abuse and neglect

The recognition of both emotional abuse and neglect is based on observations over time of the quality of relationships between parent / carer and child. For example inappropriate or inconsistent developmental expectations of the child (this may be seen in the context of unreal expectations or excessive demands on the child in relation to theatrical performance and professional success) and the level of care given to a child’s basic needs.

Sexual abuse

It is possible that there may be no recognisable signs of sexual abuse with the children / young people that are in your care, but the following indicators may be signs that a child is or has been sexually abused.

- Sexually provocative behaviour or knowledge that is incompatible with the child’s age and understanding
- Drawings and / or written work which are sexually explicit (indirect disclosure)

It is important to recognise that children have neither the experience nor the understanding to be able to make up stories about sexual assault (direct disclosure).
What action to take – who to tell

As a licensed chaperone you have a duty of care for the young people in your charge, therefore if you have concerns about the wellbeing of a child in your care you have a duty to report your concerns to the appropriate professionals / agencies.

The following processes will enable you to discuss your concerns and to refer the information in the most effective way.

• Where the production company has a nominated Child Protection person, they should be informed of the concern and should talk through with you your concerns, and then make the referral to the appropriate Social Services Department’s Child Protection Team*.
• Where the production company has no nominated Child Protection person you must report your concerns to a senior member of the production company who should then support you in informing the appropriate Social Services Department’s Child Protection Team*.
• Appropriate Social Services Department would be the department in the local authority where the child lives. This can be done by telephone, speaking to the Duty Social Worker*.

What to tell Social Services

Social Services need to have the following information when you make a referral:
• The child’s name;
• Address;
• Date of birth;
• Race;
• Religion;
• Language;
• Any known special needs;
• Parents / carers names / addresses;
• The reason for your concern;
• Any other factors within the family, which may be contributing towards the problem.
If you do not have all of the above information, do not let this deter you from contacting Social Services.

If the Production Company refuses to refer the matter onto Social Services, the individual chaperone has to make a judgement whether to refer the matter on themselves.

The judgement should be based on the chaperone / matron’s knowledge of the circumstances as well as the reasons given by the company for refusing to refer.

If there is a decision to refer by the individual chaperone, then this should be carried out in accordance with the guidance above.

REMEMBER; THE WELFARE OF THE CHILD IS PARAMOUNT.

*Southend Borough Council First Contact Team can be contacted on:

01702 534495

Recording

It is good practice to record in writing all of your concerns and actions.

It is also important when notifying either the Production Company or a Social Services Department to follow up your communication in writing within 24 hours of your initial contact.

The maintenance of notes kept of significant events or conversations will assist with any referral and subsequent investigation.

Such notes ensure that there is a documented account of the events and concerns, which have led to a referral being made.
They should be written in plain English, and should always show the difference between facts, opinion or judgement. Each set of notes must be dated.

Records such as this can be an essential source of evidence for enquiries and investigations and a validation of the decision to refer.

**Dealing with parents**

The wellbeing of the child is the paramount consideration in all child protection work.

In any conflict between the needs of the child and those of the parents / carers or staff working with the child, the needs of the child **must** be put first.

Production staff and chaperones in particular often experience anxiety about how to deal with parents where child abuse is suspected, this is a particularly sensitive issue for some chaperones who may know the family socially, or where in large productions, parents are also assisting with chaperone responsibilities.

It would be helpful for all parents to be issued with some written guidance that outlines a chaperone’s duties and the legal responsibility to uphold the welfare of the child as their paramount consideration. The guidance should also explain the chaperone’s duty to refer child protection concerns to the appropriate agencies.

This useful information can be given to parents when the child / young person begins to attend rehearsals.

You are advised that if it becomes necessary to report your concerns about a particular child / young person, you should not raise these concerns with the parents. The issue, in the first instance, should be **completely confidential** between yourself and the production company’s nominated person for child protection matters.

**Referral Checklist**

The following checklist will be helpful before making a referral:
• Concerns or incident identified and recorded;
• Contact the production company’s nominated Child Protection person, or if appropriate the Social Services department with details of your concern;
• Remember to have information to hand about the child including date of birth, address, names and address of parents or carers, race, religion, language and any known special needs the child has;
• Note the time and date of your referral and ensure you are clear what, if any, action is requested of you by social services;
• Contact your associated support group if necessary.

Remember, the welfare principle, above all else.

**Allegations against production staff / chaperones or their families**

If an allegation is made against a member of the production team, chaperone, cast or helper, full co-operation will be sought and expected from:

• Those in charge
• The individual member of staff
• The licensing authority

In the case of serious allegations it will be necessary for the member of staff to be immediately suspended until the investigation is concluded.

If the allegation concerns a friend or family member of the Production Company, including:

• Cast
• Crew
• A chaperone

they will be advised of the nature of the allegation and their full co-operation sought and expected with any investigation.
It may be necessary to exclude from the theatre / rehearsal rooms the person against whom the allegation has been made or ensure they do not have unsupervised contact with children.

After an investigation has been completed, the licensing authority, in consultation with the police and social services will then consider whether it is safe for the registration of that person to continue.

**Personal Support Networks**

Child protection referrals and investigations are often distressing and professionally demanding situations, and consideration should be given to what support may be necessary for any production company staff involved in the process.

It is helpful for the production company to have a nominated person with child protection training or experience as a point of contact and who can offer support and advice to chaperones or others in dealing with the emotional component of child protection related issues. Wherever possible the production company should establish who, within their organisation would be able to fulfil this role and then to inform staff and chaperones.
Appendix 1. What is child abuse?

Department of Health Definitions

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child whom they are looking after. This situation is commonly known as factitious illness by proxy or Munchausen syndrome by proxy.

Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or nonpenetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. It may
involve a parent or carer failing to provide adequate food, clothing and shelter, failing to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs
Appendix 2. The concept of significant harm

The Children Act 1989 introduced the concept of ‘Significant Harm’ as the threshold that justifies compulsory intervention in family life in the best interests of children and gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or is likely to suffer significant harm.

There are no absolute criteria to rely on when judging what constitutes significant harm. Working Together to safeguard Children 2006 (p7) gives the following definition:

“Consideration of the severity of ill-treatment may include the degree and the extent of physical harm, the duration and the frequency of abuse and neglect, the extent of premeditation, and the presence or degree of threat, coercion, sadism, and bizarre or usual elements. Each of these elements has been associated with more severe effects on the child, and/or relatively greater difficulty in helping the child overcome the adverse impact of the maltreatment. Sometimes, a single traumatic event may constitute significant harm, e.g. a violent assault, suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the child’s physical and psychological development. Some children live in families and circumstances where their health and development are neglected. For them, it is corrosiveness of long-term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm. In each case, it is necessary to consider any maltreatment alongside the family’s strengths and supports.”

Under s31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002

- ‘Harm’ means ill-treatment or the impairment of health or development, including for example, impairment suffered from seeing or hearing the ill-treatment of another;
- ‘Health’ means physical or mental health; and
- ‘Ill-treatment’ includes sexual abuse and forms of ill-treatment which are not physical.
Under s31(10) of the Act:

Where the question of whether harm suffered by a child is significant turns on the child’s health and development, his/her health or development shall be compared with that which could reasonably be expected of a similar child.
Appendix 3. Child protection investigation

Social Services, the Police, and in some areas the NSPCC are responsible for investigating referrals to establish the facts and to clarify the grounds for concern. The initial investigation seeks to identify the sources and levels of risk and to agree what protective action may be necessary. If the investigation finds sufficient cause for concern, a child protection conference will be called within fifteen working days.
Appendix 4. Child Protection Conference

This is a meeting convened by social services and involving the professionals who know the family, the parents, the investigators, and others who can contribute to the decision making process.

Depending on the age and understanding of the child, the child in question may be invited.

You may be invited to attend a child protection conference and to share your knowledge of the family and the concerns about the child.

The purpose of the conference is to establish whether or not the child is suffering or at risk of suffering significant harm, and to agree an action plan (called a child protection plan) to protect the child and support the family.

It is important in dealing with allegations of child abuse for there to be the fullest cooperation possible between all concerned.
Appendix 5. Body map

The body map is included to assist workers in identifying potential non-accidental injury sites.
Section 7a. Model child protection policy

The **Anytown Operatic & Dramatic Society** recognises its duty of care under the Children and Young Persons Act 1963, the Child (Performances) Regulations 1968, the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 (*in Scotland change to Protection of Children (Scotland) Act 2003*)

The society recognises that abuse can take many forms, whether it be physical abuse, emotional abuse, sexual abuse or neglect. The society is committed to practice which protects children from harm. All members of the society accept and recognise their responsibilities to develop awareness of the issues which cause children harm.

The society believes that:

- The welfare of the child is paramount;
- All children, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse;
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately;
- All members and employees of the society must be clear on how to respond appropriately

The society will ensure that:

- All children will be treated equally and with respect and dignity;
- The welfare of each child will always be put first;
- A balanced relationship based on mutual trust will be built which empowers the children to share in the decision making process;
- Enthusiastic and constructive feedback will be given rather than negative criticism;
- Bullying will not be accepted or condoned;
- All adult members of the society provide a positive role model for dealing with other people;
- Action will be taken to stop any inappropriate verbal or physical behaviour
- It will keep up-to-date with health and safety legislation;
• It will keep informed of changes in legislation and policies for the protection of children;
• It will undertake relevant development and training;
• It will hold a register of every child involved with the society and will retain a contact name and number close at hand in case of emergencies.

The society has child protection procedures which accompany this policy. This policy should also be read in conjunction with the society’s Equal Opportunities policy and Health and Safety policy.

The society has a dedicated Child Protection Officer who is in charge of ensuring that the child protection policy and procedures are adhered to.

That person’s name is ___________________________________________________

And he/she can be contacted on ___________________________________________

This policy will be regularly monitored by the Executive Committee of the society and will be subject to annual review.

Date: ________________________________________________________________

Acknowledgement to the National Operatic and Dramatic Association (NODA) who have supplied this model.

Further advice /guidance is available from the Southend Local Children’s Safeguarding Board (LSCB):  
Tel. 01702 534706  
Email: lscb@southend.gov.uk
Section 8. Inspections

The Children and Young Persons Act, 1933 and 1963, and the Children (Performances) Regulations 1968 placed on Local Education Authorities (LEAs) a duty to regulate entertainment licenses for children in entertainment.

Therefore this duty allows LEAs to carry out inspections at the venue of the performance.

Inspections carried out by Southend Borough Council Child Employment Officers will be carried out unannounced using the criteria in Section 8 appendix 1.

It is vital that all organisations, professional, semi-professional and amateur/voluntary understand that:

Southend Borough Council’s Child Employment Team is committed to working in partnership with all organisations (Professional, Semi Professional and Amateur/Voluntary) to offer advice and support to ensure that children benefit from worthwhile experiences within the legal framework, whilst ensuring that the welfare of the child is paramount.

When an organisation is subject to an inspection by the officers of the Child Employment Team the inspection should be seen as a positive opportunity to work in partnership rather than a negative experience. The officers are happy to be open with all members of an organisation.

The following pages contain the inspection criteria that are followed by the officers. Some of the criteria will not necessarily apply to all organisations, and where there is a requirement for separate changing rooms, toilets etc for gender, adults, it is appreciated that many theatres have not been built to these requirements. It would be impossible for an organisation to meet the full requirement of the regulations; however the officers would expect to see a workable practical solution in place as an alternative.

If the officer had any concerns with an organisation these would be expressed to the producer / chairperson and talked through in a positive, practical way.
A written report is forwarded to the producer / chairperson.

**Appendix 1**

**SOUTHEND BOROUGH COUNCIL**

**CHILDREN IN ENTERTAINMENT: PERFORMANCE CHECKLIST**

Children and Young Persons Acts 1933 and 1963

*Children (Performances) Regulations 1968*

**First visit only**

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<td>1.</td>
<td>Name of Production:</td>
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<td>2.</td>
<td>Name of Production Company:</td>
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<td>3.</td>
<td>Name of Representative:</td>
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<td>4.</td>
<td>Date of this visit:</td>
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<td>5.</td>
<td>Name of visiting officer:</td>
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<td>6.</td>
<td>Place visited:</td>
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<td>7.</td>
<td>Record the names of all children present and the name of authority that issued their licence:</td>
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<td>8. <strong>MATRON/CHAPERONES:</strong></td>
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<td>a)</td>
<td>Matron/Chaperone licence available?</td>
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<td>b)</td>
<td>How many children is each Matron/Chaperone caring for?</td>
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<td>c)</td>
<td>Is the supervision satisfactory?</td>
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<td>d)</td>
<td>Has there been any illness or injury since last visit?</td>
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<td>e)</td>
<td>If so, how was this dealt with?</td>
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<tr>
<td>f)</td>
<td>Have the circumstances been recorded?</td>
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<td>g)</td>
<td>Have there been other problems?</td>
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<td>h)</td>
<td>What was done to overcome them?</td>
</tr>
<tr>
<td>i)</td>
<td>Do Matron/Chaperones have a contact point for (all) parents?</td>
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j) What arrangements are there for First aid and medical assistance?

k) Does the Production Company have a Child Protection Policy?

l) Is there a designated member of staff for Child Protection?

Name of designated person: .................................................................

9. TRAVEL ARRANGEMENTS:
   a) What arrangements are made for the child(ren) to get to theatre, etc?
   b) What are the arrangements for getting home?
      Are they satisfactory?
   c) If not, what changes should be made?

10. RECORDS:
    a) Is there a licence for each child present?
    b) Did the officer inspect, initial and date records?
    c) Are they adequately kept?
    d) If not, what changes should be made?
    e) Who is responsible for keeping them? (Other than private tutor)

11. ACCOMMODATION:
    a) Do all children have separate Changing rooms from adults?
    b) Do girls and boys over 5 years; have separate dressing rooms for each gender?
    c) Are dressing rooms clean, adequately ventilated and generally satisfactory?
    d) Are there separate toilets for the children? Give numbers of urinals and WC’s
    e) Are the toilets clean and satisfactory?
    f) Are washing/showering facilities for children clean, sufficient in number and satisfactory?
    g) Are washing/showering facilities separate from adults?
    h) Do children use other accommodation, e.g. Rest rooms, Greenroom?
    i) Is it satisfactory?
    j) When not actually working, are children suitably and adequately occupied?
    k) Have there been any changes in accommodation since last visit?

12. PRIVATE TEACHING (if provided and included in licence and application):
    a) Has the teacher been approved by the LEA?
       Give teachers name: .................................................................
    b) Is the teaching accommodation satisfactory?
    c) Did the officer check, initial and date records?
    d) Does the teaching seem adequate?
    e) Has the teacher any problems?
f) How should these be overcome?

13. **CHILDREN**: (ensure that each child is seen):
   a) Do they seem happy?
   b) Does relationship with Matron/Chaperone and teacher, seem satisfactory?

14. **FILMING/BROADCASTING ONLY**:
   a) Has Matron/Chaperone allowed extra work time? If so, give details, was Licensing authority informed?
   b) ON LOCATION ONLY – are children protected from inclement weather?
   c) ON LOCATION ONLY – have children proper clothing?

15. **COMPLAINTS**:
   a) Does visiting officer have any complaints following inspection?
   b) What instructions /advice was issued as a result, and to whom?

16. **COMMENTS**:
   a) Does care/supervision of children seem satisfactory?
   b) Do the children seem to be worked too hard?
   c) General remarks, if any.

17. **Signature of visiting officer**:

   Print Name: ……………………………………………………………………………….01702 215909
Children Seen:

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<thead>
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<th>Child’s Name</th>
<th>Licensing Authority</th>
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Section 9. Good practice advice for a drama group / society

The Good Practice Group that comprises of:

- Eric Smart 2005/6 President of NODA
- John Warburton NODA Eastern Region Councillor
- Michelle Rawlings Springers Amateur Dramatic Society
- Anver Anderson Springers Amateur Dramatic Society
- Val Scott Trinity Methodist Music & Drama Fellowship
- Trevor Walton Colchester Operatic Society
- Tony Carpenter Young Gen (Chelmsford)
- Jo Salter ECC Child Employment Team
- Terry Drury ECC Child Employment Team

in their experience believe that all organisations benefit from having written policies and procedures. They do not have to be lengthy but should be practical and informative, and reviewed regularly.

It is recommended that as best practice the following are rated as of high importance:

**Aims and Objectives of the Group**
- Age groups catered for and times of opening
- Reasons for the club/society operating

**Who’s Who in the Group / Society**
- Committee members and contact addresses and phone numbers
- Helpers’ contact addresses and phone no’s

**Rules of the Group / Society**
- AGM
- Election of committee members
**Child Protection Policy**

- Nominated person responsible for the operating of the policy
- Advice on recognising child abuse
- Procedures for what to do when concerns are raised

**Expected Behaviour Policy – Children, Parents and Adults**

- Times of arrival and collection of children by parents
- Dress code
- Language
- Respect for other members, both children and adults

**Membership Criteria**

- Age ranges
- Parental permission including a declaration of health & fitness
- Membership fees

**Meetings / Rehearsals and Performances**

It is assumed that regular practice meetings for groups / societies take place in a building.

The following good practice advice is given to remind organisations to remain vigilant

**Safety**

- Fire doors are not obstructed
- All fire doors are unlocked
- All lighting is switched on, particularly outside lighting during wintertime
- Members are aware of the fire drill
- A first aider is on-hand if required

**Accidents and Emergencies**

- Members are aware of:
  - What to do in the event of an emergency
  - How to call an emergency service
- When to notify parents/carers of an incident and how to tell them what has happened
- When to notify a committee member
- Accident / incident reporting procedures

**Register**

A register is kept showing everybody (adults, children and helpers) having signed in and out of the premises

**Membership Contact Details**

Contact details of all members are brought to each meeting in case of the need, through illness or accident, to contact the next of kin. It is important to keep this information confidential.

**Supervision and Welfare of Child Members**

There is a written code of practice covering:
- How to talk to children
- Guidance on physical contact
- Suggested ways of keeping children involved

Adequate liquid refreshments are available

It should be noted that it is the intention that this document remains **live** and therefore further ideas and issues of **good practice** are welcome so that it remains appropriate and contemporary.
For Further Information Please Contact:

**By Post:**

The Child Employment Officer  
School Attendance and Child Employment Team  
Floor 7, Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex  
SS2 6ER

**By Telephone:**

01702 215007

**Internet:**

[www.southend.gov.uk/childreninentertainment](http://www.southend.gov.uk/childreninentertainment)

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