



CHILDREN IN ENTERTAINMENT AND EMPLOYMENT

A guide to Working with Children in Entertainment and Employment



This information is provided by Sheffield City Council's Licensing Service and the Sheffield Children's Safeguarding Partnership (SCSP), to support businesses or other organisations that offer performance or employment opportunities to children and young people. If you are an employer, licence holder or producer, it is important that you have the right safeguarding procedures in place, so that the activity and environment is safe for children and to ensure that your business or production complies with the law.

In Sheffield, the SCSP and Licensing Service work in partnership with local operators, to ensure that children and young people who are involved in performance and entertainment, can benefit from their opportunities and have a safe and positive experience.

This guide is aimed primarily at the people who will be applying for work permits or performance licences but it is relevant to anyone who is working with children in employment or entertainment. This may include producers, directors, photographers, employers, chaperones, parents or safeguarding officials.

This guide will cover these key questions:

- 1. What do I need to do if I am working with children?**
 - a) Employment**
 - b) Entertainment**
 - c) Application Process**
 - d) Venue**
- 2. How can I make sure that I am working to best practice?**
- 3. What will happen if I do not comply with the law?**
- 4. Our Partnership Approach**

1. What do I need to do if I am working with children?

There are laws which regulate child performance, employment and licensed premises and this legislation places responsibility upon applicants and licence holders to manage risk in relation to children and young people.

a) Employment

Under The Children and Young Persons Act 1933 and 1963, and the Sheffield City Council Byelaws 1998, children of compulsory school age must have a work permit (even if the work is voluntary/ unpaid) to be employed. Permits are free of charge, and you can get one by applying to the Licensing Service. Under local byelaws there are restrictions to the type of tasks and hours of work that a child can be involved in, so it is important to check out what is legally permitted, before you offer a work opportunity to a child. If you need more information about this, the contact details are at the back of this leaflet. Remember, the law applies to all children, even if they are relatives or friends of staff.

b) Entertainment

If you are working with children as part of a performance, you may need a performance licence in order to comply with the Children and Young Person's Act 1933, 1963 and Children (Performance and Activities) (England) Regulations 2014. This involves making an application to the Council with details of the performance, parent/carer consent, and confirmation of the chaperone arrangements.

Young performers must be accompanied and supervised at all times by a parent or legal guardian, or licensed chaperone, who must remain with the child/young person during their entire time in the place of performance.

c) Application process

There are strict timescales for applications to be processed and approved and if you do not hold the necessary licence, the necessary safeguards may not be in place and your public liability will be affected. Please allow sufficient time for your application to be considered and ensure it is submitted within the published deadline to avoid disappointment. Safeguarding young performers is paramount and we need this time to gather information and check that the right safeguards are in place. Application forms can be found on our website, details of which are at the end of this guidance.

If you are the Applicant for a permit or licence, this means that you are responsible for compliance. It is important to note that even if you decide to delegate the administration for application processes, it is you, as the Applicant, who will remain the responsible person ~ so whilst you can delegate the administration to another person, you cannot delegate the responsibility: the Applicant must remain the accountable person throughout. If you decide to delegate the administration (for example to a colleague in Human Resources, or to an agency representative) it is imperative that you require the administrator to provide you with information and regular briefings, so that you can make informed decisions about children. Licences are free of charge.

We recognise that there are many competing tasks relating to a performance or business, but it is important to prioritise safeguarding children. To help you make sure you have all the necessary things in place, we have produced a 'Best Practice Checklist'. This tool will help you to monitor progress and any gaps that need to be addressed, prior to the child's activity.

d) Venue

Prior to issuing a permit or licence, the Licensing Service will require specific policies and risk assessments to ensure the proposed venue is safe and suitable. If child employment or a performance activity is taking place at a location that is licensed under the Licensing Act 2003, there may be conditions on the premises licence (or temporary event notice) which you need to comply with that restrict or prohibit children in some or all of the premises. Under the Licensing Act 2003, a failure to comply with licence conditions or to protect children from harm can result in a review of the premises licence.

We will respond to all applications on a case by case basis and each venue will be assessed according to its style and character and upon its own merits. So that we can make a thorough assessment, we may consult the following:

- South Yorkshire Police
- Children's Social Care or other specialist services
- Other Responsible Authorities under the Licensing Act 2003
- Other Local Authorities/Licensing Authorities

When considering the venue we may review the controls that are in place to ensure a safe, sensible, social culture where alcohol is being sold or consumed. Also, we may consider the security checks that must be in place to prevent drugs, illegal substances or weapons being taken into/used at the venue.

2. How can I make sure that I am working to best practice?

We all want children to have a safe and enjoyable experience during the time they are involved in work or performance. In addition to complying with the legislation, the Licensing Service and Sheffield Children's Safeguarding Partnership recommend that best practice procedures are followed. This will help you to protect children and young people and your business.

Here is an example of some of the steps you can take to make sure the environment is safe, suitable and family friendly:

- In addition to looking at health and safety issues, a children and young people's safeguarding risk assessment should be undertaken. This should include assessing the range of activities taking place at the venue. For example:
 - How are adults likely to behave (including aggression, disinhibition, intoxication)?
 - Is alcohol on sale?
 - Do members of the public who are not related to the work/performance have access, or will they be in proximity to, the children?
 - Are all chaperones/staff who have private contact with children, db's checked?

- How is access and egress monitored, do you have a register?
- Do officials carry id/wear uniform?
- Is the content of the performance/work environment family friendly?

It is important to consider what may be going on in and around the environment and who is present, so that you can minimize the risk of physical, sexual, emotional and other types of harm. The risk assessment should be used to support your application for a child/young person's performance or employment and the person signing off this process must be the responsible person. This person will be held responsible for compliance with legislation, the performance and premises licence conditions and for compliance with this guidance.

- A named, responsible person such as a senior manager or 'Head Chaperone', should be assigned to the role of the Safeguarding Co-ordinator. This person should have attended relevant and recognised safeguarding training and is responsible for ensuring that risk management processes are in place, that staff are briefed and compliant with these processes, and that processes are reviewed regularly to ensure they are effective.
- Encourage all staff, performers, chaperones etc to comply with a Code of Conduct; this reduces the risk of inappropriate behaviour (for example, use of strong or offensive language, aggression/violence, expressing inappropriate personal views, maintaining appropriate boundaries and relationships).
- Prior to commencement of the employment or performance activity, ensure a complete list of children

participating, along with a list of chaperones and a copy of the necessary documentation, is collated and ready for the authorities.

- Ensure that important information about the child's needs is recorded and communicated to the chaperone or other relevant supervisor. It is good practice to hold a briefing meeting prior to the start of the activity, to introduce staff, chaperones and children. This is a good time to brief chaperones about your safeguarding procedures, the layout of the venue and to make them aware of your safeguarding procedures, so that they know how to respond.
- Use the 'Checklist' prior to the child starting, to make sure you have taken all the necessary safeguarding steps to ensure good practice and compliance.
- Ensure you have a child protection policy, including how to record and share concerns and respond to a disclosure.

3. What will happen if I do not comply with the law?

The legislation and best practice referred to in this guidance is in place to safeguard children and ensure that the activity does not impede their health, welfare or education. If you do not comply with the law, this may put children at risk of harm and impact on your public liability insurance. Failure to comply can have a financial and reputational impact on your business, so it is important to make sure that you are aware of what is required and that everything is in place to demonstrate that you are working legally and to best practice. By doing so, you will safeguard children and your business.

To help you to run a responsible operation and ensure children are safe, the Licensing Service and Sheffield Children's Safeguarding Partnership have put procedures in place to promote good practice and monitor compliance. Here are some of the things we will do:

- Enquirers will be issued with the relevant documentation and supported with verbal and written guidance, so that operators, chaperones and employers are clear about the regulations and the Council's requirements and expectations.
- At the time of applying it is expected that the applicant understands the guidance and is aware of their responsibilities. If further advice is required then advice should be requested from the Licensing Service.

- The Licensing Service will record and monitor compliance at all stages of enquiry, application or complaint.
- The SCSP Licensing Manager will investigate complaints notified to the SCSP by the Licensing Service, or from other sources.
- The operator, chaperone or employer will be notified of any complaint or issue and an investigation will take place within 10 working days. The operator, chaperone or employer will be notified of the outcome of the complaint in writing and advised of the actions required to rectify the matter.

If an operator, chaperone or employer fails to act, or comply, the Licensing Service in partnership with the Sheffield Children's Safeguarding Partnership will take the following action (as appropriate):

- A formal caution will be issued in writing with advice as to what action is required.
- A second warning will be issued setting out the possible consequences of non-compliance.
- The case will be referred to the Council's legal team for prosecution.

When possible, the above stages will apply so that those concerned have an opportunity to improve; however if circumstances arise that highlight significant safeguarding concerns, a case may escalate to prosecution immediately.

Any information or records regarding the operator, chaperone or employer may be used by the Council or Sheffield Children's Safeguarding Partnership if it becomes necessary for those organisations to take legal action in order to safeguarding children and young people.

4. Partnership Approach

The Licensing Service in partnership with the Sheffield Children's Safeguarding Partnership will, when possible, take a proactive multiagency approach when working with businesses that offer performance or employment opportunities to children and young people.

We encourage you, your chaperones and relevant staff, to attend the training that is provided by the SCSP in partnership with the Licensing Service. The training is free of charge and takes a detailed look at how you can safeguard children and your performance or business.

We hope that by providing a range of advice, support and training we can help you to create a positive and family friendly environment where children can benefit from the work or performance opportunity that you can provide.

Further Information

Should you require further or more detailed information, please contact us –

For more information about child entertainment and employment please use:

**Licensing Service
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

0114 2734264

childpermits&licences@sheffield.gov.uk

Application forms are available on our website. Please go to www.sheffield.gov.uk and search Performance Licences or Child Employment

For information about the venue/risk management/Licensing Act 2003 and child protection ~

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