CHESHIRE EAST COUNCIL

POLICY AND PROTOCOLS
on the
LICENSING OF CHAPERONES
to support
CHILDREN IN ENTERTAINMENT

Review Date: April 2017
Revised date: October 2015
Issued date: August 2012
1.0 PREFACE

Children and young people of compulsory school age who take part in professional or amateur performances, paid modelling and paid sport are safeguarded by legislation which aims to secure their health, proper treatment and education [Section 37 Children and Young Persons Act 1963 and The Children (Performances and Activities) (England) Regulations 2014].

In certain circumstances there is a legal requirement for the producer of the performance or activity (the licence holder) to apply for a licence from the local authority where the child lives known as Cheshire East Licensing Authority (for the purposes of this document we will refer to it as the Licensing Authority)

2.0 INTRODUCTION

It is intended that this policy will be a guide for both applicants and those other parties who have an interest in the licensing of chaperones for children in entertainment. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.

The Licensing Authority undertakes the licensing of chaperones. This document sets out the policy in relation to the licensing of chaperones within its administrative area.

This policy will be kept under review and amendments may be made in the light of any changes in the relevant legislative provisions.

The Licensing Authority is not responsible for finding work for chaperones or for recommending particular chaperones to licence holders. It will, however, supply details of approved professional chaperones (who have given their written consent) to such people. Any contract is between the licence holder and the chaperone

3.0 APPLYING FOR A CHAPERONE LICENCE

A certificate is issued by the Local Authority in which the chaperone lives (this may not necessarily be the same Authority as the child, nor the intended place of performance).


The completed application form must be accompanied by the following documents:
• A medical declaration.
• The names of two referees
• A criminal conviction declaration

As part of the process the following actions will be undertaken:
• A check with social care
• A Disclosure and Barring Service (DBS) check
• Written references will be requested from 2 referees
• A passport-sized photograph (unmounted) will be requested
• Applicants will also be required to attend a training session lasting approximately 1 hour with representatives from the Licensing Authority prior to receiving chaperone approval.
• Individual interviews and vetting may be required in some circumstances at the discretion of the Licensing Authority, which may result in the chaperone or private teacher licence not being issued.

**DBS checks may take up to ninety days to be processed.**

The approval certificate will specify:
• details of the chaperone
• any specific conditions attached to their approval

The chaperone will also be issued with an identity card which must be worn at all times whilst undertaking chaperone or teaching duties.

If the applicant is a volunteer then there will be a charge of £7.00 which will cover the training and administration of the chaperone approval.

Where the applicant is a professional chaperone there will be a charge of £51 to cover the training and administration of the chaperone approval.

### 4.0 CHAPERONE GUIDANCE

The maximum number of children that one chaperone may look after is twelve [Regulation 15 (3)] but this may be too many if, for example, the children are living away from home, or they are very young or because a film set is spread over a large area and it is difficult to be aware of what each child is doing. Children over 5 years of age should dress only with children of the same sex as the child in question. [Regulation 17(4)]

It is the chaperone’s responsibility, where they are concerned about the number of children they are looking after, to inform the licence holder and negotiate more supervisory help with the children.

If a child becomes ill or is under too much stress then the chaperone has a duty and right to withdraw the child from the event until they are satisfied that the child is well enough to continue.

The chaperone should be in charge of the child at all times during the period beginning with the first and ending with the last performance or, as the case may be, occasion, to which the licence relates except while the child, is in the charge of their parent or teacher.
The chaperone must contact the Licensing Authority where there are any safeguarding concerns or where concerns have been shared with the licence holder and issues have not been addressed with regard to the wellbeing of the child. A written record of the details will need to be provided by the chaperone.

The chaperone should carry their licence at all times when undertaking this role and should produce it for the inspection by officers of the Licensing Authority or a police officer when required. If the licence is mislaid or destroyed the chaperone should inform the Licensing Authority immediately to request a replacement.

It is not unusual for the licence holder to delegate record keeping to a chaperone. If you undertake this duty on behalf of the licence holder then the records must be kept as detailed in Regulation 11 (see below) Upon completion, the records must be handed over to the licence holder whose duty it is to retain the records for six months from the date of the last performance or activity to which the licence relates.

The chaperone must inform the Licensing Authority if they

a) Change their name

b) Change their address

c) Become subject to a criminal conviction (including driving offences) during the currency of their chaperone licence approval

Where parents or legal guardians (who are not approved chaperones) are used to care for children the following conditions must be adhered to

- They must only care for their own child and must never be left to care for any child other than their own.

- They must be present to care for their child at all times for the duration of the performance or activity

- They should be aware of both safeguarding and health and safety policy and procedures.

5.0 GROUNDS FOR REFUSAL OF A CHAPERONE LICENCE

The Licensing Authority will not grant a licence for a chaperone or private teacher to:

- a person under the age of 18; or

- a person who has, within a period of twelve months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for this purpose

- a person who is identified as being unsuitable for work with children through the DBS check, the self declaration, the social care check or through any other legitimate means
• a person who is currently under investigation for allegations of any kind involving children

6.0 DEALING WITH ALLEGATIONS AGAINST A CHAPERONE

A chaperone approved by the local authority is acting in 'loco parentis' and should exercise the care which a good parent might be reasonably expected to give a child.

The nature of the role is such that a chaperone may have responsibility for a group of children or an individual child. They may care for them for a relatively short period of time or over a considerable length of time when filming on location over a number of days or weeks.

Although the majority of adults who come into contact with children and young people have their bests interests at heart, it is regrettable that some adults have been found to be perpetrators of child abuse and/or behaving in ways that have harmed children which indicate that they are unsuitable to be working with children.

The following framework for managing allegations against chaperones is taken from Working Together to Safeguard Children 2015. The Cheshire East Local Authority Designated Officer (LADO) works to the good practice principles of WTSC 2010 where the LADO arrangements are clearly set out. Please refer to LADO One Minute Guide

http://centranet.ourcheshire.cccusers.com/childrenandfamilies/Site%20Documents/Local%20Authority%20Designated%20Officer%20(LADO).pdf

7.0 WHAT IS AN ALLEGATION?

An allegation is information which indicates that an adult has or may have:

• Behaved in a way that has harmed, or may have harmed, a child
• Possibly committed an offence against, or related to, a child; or
• Behaved towards a child or children in a way that indicates they may pose a risk of harm to children

The above criteria relates to the adult’s behaviour in the workplace, the community and in their home and social life.

Information may show that an adult has abused or misused social networking sites and/or misused internet sites or IT technology that indicates s/he is unsuitable to work with children. This may be in connection with his or her full or part time employment, employment as a chaperone or other voluntary activity.
Allegations may also arise in relation to:

- the person’s behaviour outside work, for example with regard to his/her own children.
- the behaviour in the private or community life of a partner, member of the family or other household member.

An allegation may be considered as part of:

- a police investigation of a criminal offence;
- enquiries and assessment by Children’s Social Care about whether a child is in need of protection or services;
- disciplinary action in respect of the individual’s employment.

8.0 **ALLEGATIONS MADE TO THE CHILD EMPLOYMENT AND ENTERTAINMENT TEAM**

There are a number of sources from which an allegation may arise such as a child, parent, another chaperone, cast member, member of the public, work colleague etc.

The child entertainment officer to whom the allegation is reported initially should:

- treat the matter seriously.
- avoid asking leading questions and keep an open mind.
- make a written record of the information provided which uses the child/adult’s own words
- make clear what is being alleged and what is alleged to have happened
- make clear when and where (time, date and location) the alleged incident took place.
- make clear who was present including any potential witnesses.
- sign and date the written record and pass it immediately to Education Welfare Service (EWS) Manager
- the Child Entertainment Officer should not discuss the matter with anyone else, they must be mindful of the danger of impeding a criminal or child protection enquiry and of spreading damaging allegations which may also be defamatory.
- Do not investigate; consult the Local Authority Designated Officer (LADO).

Where there is an immediate risk to a child or young person, an urgent referral to the Cheshire East Consultation Service (ChECS) 0300 123 5012 or 0300 123 5022 (out of hours service) should be made in accordance with Cheshire East Safeguarding Children Procedures.

If the allegation potentially meets any criteria set out under paragraph ‘7.0 What is an allegation?’ the EWS Manager should report it to the LADO by completing a LADO Allegations Notification Form.
If after initial consideration there is either cause to suspect that a child is suffering/is likely to suffer significant harm or a criminal offence might have been committed the LADO will commence enquiries via the Management of Allegations Procedure. The welfare of the child is paramount and child protection procedures need to be followed in the first instance.

If an allegation or concern is received and there is no cause to suspect a child is at risk of significant harm and a criminal offence has not taken place the LADO will refer the matter to EWS Manager for suitability consideration for the role of chaperone to be carried out.

Then the EWS Manager together with the Child Entertainment Officer will review the information\(^1\) and decide whether further investigation is required prior to interviewing the chaperone.

Following the interview the chaperone's suitability to work with children will be reviewed and a decision made whether to withdraw approval.

If at any stage during this process the chaperone indicates an intention to withdraw from the role the consideration of their suitability should continue to a conclusion as far as possible.

If at the end of the process it is concluded that approval as a chaperone be withdrawn on safeguarding grounds the EWS Manager, the Child Entertainment Officer and LADO will refer the matter to the Independent Safeguarding Authority for consideration.

9.0 **APPEAL PROCEDURE**

A chaperone whose application is refused or approval withdrawn other than on safeguarding grounds may appeal to the Director of Children’s Services.

The appeal must be in writing and must state the reasons for the appeal and provide any supporting evidence. Any appeal must be made within 28 working days of receipt of the notice of refusal or withdrawal of approval.

The appeal will be considered by the Director of Children’s Services and/or an appropriate independent officer of the Local Authority who will review the application, reasons for appeal and the reasons for refusal/withdrawal.

In all appeals the Director of Children’s Services and/or independent officer of the Local Authority will interview the Schools Safeguarding Co-ordinator, the EWS Manager and the Child Employment and Entertainment Officer to clarify certain issues.

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\(^1\) Will seek to establish all the facts within a 10 day time frame.
Once the review process is complete, the Director of Children’s Services will advise the chaperone of their decision in writing within 20 working days.

If the chaperone feels that this process fails to draw their appeal to a satisfactory conclusion they may take their case to the ombudsman.

The Licensing Authority reserve the right to suspend a licence immediately where formal allegations are made regarding the chaperone or private teacher’s conduct towards the child(ren) in their care pending a full investigation.

10.0 SUPPORT AND FOLLOW UP

All chaperones are required to attend training prior to working as a chaperone however due to the nature of the role there is no formal induction or probation period for an approved chaperone.

It is expected that the licence holder² has safeguarding and health & safety policies/risk assessments in place and that copies of these policies have been shared with the chaperone, private teacher and parents who are caring for their own children.

The licence holder should empower and support the chaperone in any decisions relating to a child’s welfare and general well-being.

Chaperones may telephone a member of the Child Entertainment Team for advice regarding legislative queries, safeguarding issues and further guidance on their role as a chaperone for children in entertainment.

Members of the Child Entertainment Team conduct regular inspections at venues where children are performing or taking part in paid modelling or paid sport and they can be spoken to during those visits.

11.0 DURATION OF LICENCE

Unless previously cancelled or revoked a licence will remain in force for three years or such shorter period specified in the licence as the Licensing Authority determines.

12.0 APPLICATION RENEWAL PROCESS

Before the licence period expires the chaperone should submit a licence application; following the same procedures as outlined above.

Cheshire East Council is using the DBS update service so it is anticipated most people who are renewing will have joined the update service and will be able to give permission to make the check online.

There will be a requirement to undergo the same training and checks as for new chaperones.

² For example Dance School, Theatre Company, BBC
13.0 LINKS TO OTHER POLICIES

Link to One Minute Guide:-

Link to A Guide for Chaperones Supporting Children Taking Part in Entertainment:-

Statutory Instruments Link:
APPENDIX ONE

THE CHILDREN (PERFORMANCES AND ACTIVITIES) (ENGLAND) REGULATIONS 2014

Regulation 5 – Licence conditions (child)

Regulation (5) The licensing authority must impose any conditions which it considers necessary in order to ensure that –

(a) the child is fit to take part in the performance or activity
(b) proper provision is made to secure the child’s health and kind treatment; and
(c) proper provision is made to ensure that the child’s education will not suffer

Regulation 7 (2) In particular, the licensing authority may –

(a) request that a child be medically examined;
(b) request a report from the head teacher or principal of the school that the child attends;
(c) interview a proposed private teacher
(d) interview the applicant, the child, the child’s parents, or the proposed chaperone, as appropriate

Regulation 11 – Records to be kept by the licence holder

1. The licence

2. The following particulars in respect of each day on which the child is present at the place of performance or place of rehearsal –
   (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 and
   (g) the times of any night-work authorised by the licensing authority under regulation 28.

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 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.

5. The dates of the breaks in performances required under regulation 27(1).
6. The amount of all monies earned by the child …….

7. Where the licensing authority grants a licence subject to the condition that sums earned by the child must be dealt with in a manner approved……

**Regulation 13 - Education**

Regulation 13 (1) The licensing authority must not grant a licence unless it –

- is satisfied that the child’s education will not suffer by reason of taking part in the performances or activities;
- has approved the arrangements (if any) for the education of the child during the period to which the licence applies; and
- has approved the place where the child is to receive education, subject to such conditions as it considers necessary to ensure that the place is suitable for the child’s education.

Regulation 15 (2) The licence holder must ensure that any arrangements approved by the licensing authority for the child’s education are carried out.

Regulation 15 (3) The licensing authority must not approve any arrangements for the education of a child by a private teacher unless it is satisfied that –

- the proposed course of study for the child is satisfactory;
- the proposed course of study will be properly taught by the private teacher;
- the private teacher is a suitable person to teach the child in question;
- the private teacher will teach no more than six children (including the child in question) at any time, or twelve children if all the children being taught have reached a similar standard in the subject being taught to the child in question; and
- the child will, during the period to which the licence applies, receive education for periods, which when aggregated, total not less than three hours on each day on which the child would be required to attend school if the child were attending a school maintained by the licensing authority.

Regulation 13 (4) The requirements of paragraph (3)(e) are deemed to have been met if the licensing authority is satisfied that the child will receive education –

- for not less than 6 hours a week;
- during each complete period of four weeks, or if there is a period of less than four weeks, during that period for periods not less than the aggregate periods of education required by paragraph (3)(e) in respect of the period;
- on days on which the child would be required to attend school if the child were a pupil attending a school maintained by the licensing authority; and
(d) for not more than five hours on any such day.

Regulation 13 (5) For the purposes of this regulation, any period of education does not include –

(a) any period which takes place other than during the hours when a child is permitted to be present at a place of performance or rehearsal under regulation 21; and
(b) any period of less than thirty minutes.

Regulation 15 - Chaperones

Regulation 15 (1) The Licensing Authority must approve a person to be a chaperone to –

(a) have care and control of the child; and
(b) safeguard, support and promote the wellbeing of the child

whilst the child is taking part in an activity, performance or rehearsal or whilst the child is living elsewhere than the place the child would otherwise live during the period to which the licence applies.

Regulation 15 (2) Paragraph (1) does not apply if a child is being cared for by a parent or teacher who would ordinarily provide the child’s education.

Regulation 15 (3) The maximum number of children a chaperone may take care of at any one time –

(a) twelve
(b) where the person approved to act as a chaperone is the private teacher of the child in question, three.

Regulation 15 (4) The licensing authority must not approve a person as a chaperone unless it is satisfied that the person –

(a) is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question; and
(b) will not be prevented from carrying out duties towards the child by duties towards other children.

Regulation 15 (5) Where a child suffers injury or illness while under the care of the chaperone, the licence holder must ensure that the parent of the child names in the application form and the licensing and host authorities are notified immediately of such injury or illness.

Regulation 29 – Chaperone discretion

Regulation 29 (1) The chaperone in charge of a child may allow that child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in Regulation 21 provided that –
(a) the total number of hours during which the child takes part in a performance or rehearsal, including the period not exceeding one hour, does not exceed the maximum number of hours permitted under regulation 22;

(b) it appears to the chaperone that the welfare of the child will not be prejudiced; and

(c) it appears to the chaperone that the conditions requiring the child to take part in a performance after the latest time specified arose in circumstances outside the control of the licence holder.

Regulation 29 (2) Where the chaperone allows a child to take part in a performance after the latest time specified in regulation 21, the licence holder must ensure that the chaperone notifies the licensing and host authorities no later than the following day and provides the reason for this decision.

Regulation 29 (3) The chaperone in charge of a child may allow one of the break for meal, required under regulation 23 to be reduced where the child is taking part in a performance or rehearsal outside provided that –

(a) the duration of the break is not less than thirty minutes; and

(b) the maximum number of hours during which the child may take part in a performance or rehearsal under regulation 22 is not exceeded.