



Llywodraeth Cymru
Welsh Government

Keeping young performers safe

Guidance to accompany the 2015 child performance regulations

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Guidance

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Keeping young performers safe

Audience	Local authorities; headteachers and governing bodies of maintained schools; headteachers and governing bodies of voluntary aided and foundation schools; teachers in charge of pupil referral units; church diocesan authorities; proprietors of independent schools; principals of further education institutions; higher education institutions; school staff unions; teacher unions; Governors Wales; Careers Wales; Local Safeguarding Children Board Chairs; broadcasting companies; theatre companies; operatic organisations; voluntary and charitable organisations that work with children or that have child members (including staff within those organisations that have a lead responsibility for safeguarding children).
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Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Debbie Campbell Support for Learners Division Infrastructure, Curriculum, Qualifications and Learner Support Directorate Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 5807 e-mail: keepingyoungperformerssafe@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.gov.wales/educationandskills
Related documents	<i>Child performance regulations: when children can take part in performances and the breaks they must have</i> (2014) The Children (Performances and Activities) (Wales) Regulations 2015

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Introduction

Wales has a long and proud tradition of participation in the performing arts and sports over many years, with many of our most celebrated performers achieving global success. These successes rarely happen overnight, and many children across Wales take part in performances and activities in school, local centres and professional theatres each and every day. Some take part in major professional shows or in film and television productions, or in major events for special visits or festivals. A few are paid for their performances, including those who are involved in sport and modelling.

Not all of these children will become household names of the future. However, the Welsh Government recognises that these opportunities can help children grow in confidence, increase their self-esteem and provide a basis on which to learn a range of new skills, as well as give some the chance to build a career in the creative sector. We want to make sure that children can take advantage of these opportunities wherever possible so that they can make the most of these benefits and enjoy the chance to perform in public.

Safeguarding and promoting the welfare of these children must always be the driving principle when we consider the arrangements which enable them to participate in these activities. This guidance provides a framework to ensure that the welfare of performing children is safeguarded effectively, that they receive proper care and that their education and rights are protected.

All local authorities have a legal duty to have regard to the need to safeguard and promote the welfare of children. These new arrangements are consistent with that duty and will help safeguard all children who take part in performances, sporting and modelling activities. This will mean different things for different children: some children will need individual licences, setting out specific rules to govern how long they work, who looks after them and how their education will continue. Others will only need simple rules to make sure their health and education are unaffected.

The Welsh Government has made new Regulations – the Children (Performances and Activities) (Wales) Regulations 2015 – which provide a legal framework to underpin these arrangements which will help ensure these children are safeguarded when they take part in performances and other activities. This guidance explains these new arrangements so that they can be easily understood by parents, organisers and local authorities, and that children get the chance to make the most of these opportunities. It will provide a framework to ensure that children have the opportunity to excel in their chosen activities, while we keep young performers safe.

Summary of guidance

What is the status of this guidance?

1. This guidance is designed to help you understand the requirements of the Children (Performances and Activities) (Wales) Regulations 2015, made by Welsh Ministers under the Children and Young Persons Act 1933 and The Children and Young Persons Act 1963. These Regulations came into force on 30 October 2015 and replace the Children (Performances) Regulations 1968 (as they applied to Wales) and revoke the Children (Performances) (Miscellaneous Amendments) Regulations 1998 (as they applied to Wales) and the Children (Performances) (Amendment) (Wales) Regulations 2007. This guidance is non-statutory and should be read with the Regulations and relevant primary legislation when considering licensing issues for performances, sporting and modelling activities.

Who is this guidance designed for?

2. This guidance underpins the arrangements for the effective licensing of child performance, which is managed by local authorities as the relevant licencing authority. It is relevant to all those people and organisations who are involved in whatever capacity in making arrangements for children to participate in stage, television, film or other performances, as well as those who take part in paid sport or modelling activities, where the child lives in Wales or where the performance or activity takes place in Wales.

3. This means that the guidance provides a framework for:

- those responsible for putting on professional or amateur performances involving children, including schools, youth groups and other voluntary organisations;
- theatre companies, promoters, agents and others involved in working with children in professional productions;
- people who engage children in paid sport or paid modelling activities;
- parents and carers of children involved in these performances and activities;
- people who act as chaperones to children involved in these performances and activities;
- local authorities;
- schools and other education providers; and
- magistrates' courts.

What has changed?

4. The main changes from the previous arrangements are that:

- a medical certificate is no longer routinely required before a licence can be issued;
- a chaperone has a level of discretion to vary the time a child finishes by up to one hour, and will then report the change to the local authority;
- the times for which different age groups can work have been rationalised, removing differences between stage and broadcast performances.

What does it cover?

5. This guidance provides advice on when a licence is needed and when it might not be needed. It sets out the information needed to get a licence, the rules by which a licence may be granted and the conditions that must be followed. It explains who should apply for a licence and who is responsible for making sure that the terms of a licence are met, along with the roles of local authorities and Welsh Ministers in issuing and overseeing licences. Some conditions apply to all performances and activities involving children, even where a licence is not required.

6. It covers children who normally live in Wales and are going to take part in a performance or activity in Great Britain (Wales, England and Scotland), as applications for licences for these children will need to be made to local authorities in Wales. It also deals with children living in Wales who are going to perform abroad (outside Great Britain and Ireland), although children intending to perform in Ireland do not need a licence from a UK local authority but will have to comply with local requirements. It also covers situations where children normally live outside Great Britain but where the person or organisation organising the activities is based in Wales, as applications will have to be made to the authority where that person or organisation is based.

7. The guidance also explains the role of chaperones (people approved by a local authority to look after children taking part in performances or activities) and the requirements they have to meet in order to be approved, and the rules regarding education, breaks and meals for children. The discretion of chaperones to change some of these, such as extending the latest finishing time if needed, is also explained.

Why has it changed?

8. The Welsh Government consulted on child performance arrangements in 2012 (jointly with the UK Government) and in 2014. We considered the responses and balanced their views while treating the effective safeguarding of children as our primary objective. We have also tried to meet the need for flexibility and clarity, but not at the expense of effective safeguarding. We have also considered the need for people from across the UK to work in Wales and for cross-border working with other UK countries.

9. As a result, the new Regulations have been made to replace those first made in 1968 and amended in 1998 and 2007 to strengthen safeguarding in response to the recommendations of the Clywch report (2004). The Regulations set out the rules as they apply to Wales in detail and this guidance aims to explain how they should be translated into practice for different people at different times.

When do these arrangements take effect?

10. The Regulations come into force in Wales on 30 October 2015 and must be used to decide on all licence applications received on or after that date. These continue in force until any further amendment is made by the National Assembly for Wales.

What do specific words mean?

11. In this guidance, the following words or phrases have these meanings:

child or **children** means a person or persons between birth and school leaving age (which is the last Friday in June as long as they will be 16 by the end of that school year's summer holidays);

local authority means, in Wales, a county council or county borough council as defined in the Local Government (Wales) Act 1994 or, in England or Scotland, an authority as defined by the relevant legislation;

1933 Act means the Children and Young Persons Act 1933, as amended;

1963 Act means the Children and Young Persons Act 1963, as amended;

Regulations means the Children (Performances and Activities) (Wales) Regulations 2015.

Why do I need to follow these arrangements?

12. The Regulations put in place a legal framework for the operation of these arrangements which are designed to ensure that children in Wales are able to take advantage of appropriate opportunities, while ensuring that they are effectively safeguarded while taking part in performances and activities.

13. Causing, procuring or allowing a child to take part in a performance without a licence where one is required is an offence. Failing to observe any condition of a licence or failing to keep and produce proper records are also offences. Any of these offences could lead to a fine or imprisonment.

1. When do you need a licence?

Summary

Licences can be required for almost any performance or activity involving children, including where the child is paid and when a performance is broadcast live or recorded to show in the future. In some cases, such as performances organised by schools or where no-one is being paid, a licence may not be needed or a general approval can be requested.

Types of performance/activity

1.1 The aim of a licence is to safeguard any child who is under compulsory school age and is taking part in a performance or activity – which normally means the child has not reached the last Friday in June and will be 16 by the end of that school year's summer holidays. They include performances by amateur groups, schools and students, as well as those by professional promoters, theatres or companies.

1.2 The need to have a licence depends on what is being organised, not on who is organising the performance or activity. The main factors are whether payments are made (by the audience) or received (by the child); the place where the performance takes place; and whether it is filmed or recorded for television, radio, the internet or a film. These include:

- any performance for which a charge is made for admission or for another reason;
- any performance on premises licensed to sell alcohol (even if the bar is closed during the performance);
- any live broadcast performance (including television, radio and internet streaming);
- any performance recorded to use in a broadcast or film that will be seen by the public (including sound or audio recording placed on a website or a performance recorded for a cinema screening or part of a film);
- any activity where children take part in sports or modelling for which payment, other than expenses, is made (whoever receives the payment).

unless an exemption applies. Annex 2 helps to explain which types of performances or activities may require a licence for a child to take part in and which types may not.

1.3 Even if someone organising a performance or activity thinks that they may be able to use one of the exemptions, they should first talk to their local authority to discuss the details and to let them know of the planned event. This will help organisers to be better assured that they do – or do not – need to apply for a licence, and help local authorities to make sure that all children involved are properly safeguarded. Even if a licence is not required, there are rules that apply to all performances involving children on how long they can take part in a performance or activity, how long they can stay there, and how long their breaks must be. These are set out in Chapter 3 and Annex 3.

Exemptions

1.4 Some types of performance will not need a licence, but these exemptions will only apply where no payment is made to (or in respect of) the child or children taking part in the performance (whoever takes the payment). These are where:

- a performance is organised by a school;
- the child has performed for fewer than four days in the past six months (the Four Day Rule); and
- no child is being paid and the organiser can apply for a Body of Persons Approval.

Schools

1.5 A performance may not require a licence if it is:

- a) organised by a school – an educational institution that provides primary or secondary education, rather than a dance school or similar; and
- b) the school is responsible for producing the performance, which may involve children from that school or from another.

The table below sets out when a performance would meet the criteria for this exemption – and when it would not.

Who is making the arrangements?	Is a licence required?
The child's school	No
Another school which the child does not attend such as: <ul style="list-style-type: none"> • a performing arts school which also provides a child's main education; and • a school providing a child's main education working alongside a performing arts school. This exemption would not be affected by a broadcaster filming the event as part of an observational documentary – as long as the children are not told what to do by the broadcaster.	No
Dance schools and similar organisations where the child is attending only for training in that activity (not where they receive their main education)	Yes (assuming no other exemption applies)
Another person/organisation For example, where children from a school take part in a performance arranged by a broadcaster	Yes (assuming no other exemption applies)

Four day rule

1.6 Any child who has not performed on more than three days in the past six months does not need a licence for one more day's performance. Once a child has performed on four days or more in a six month period, then a licence is required (unless another exemption applies). This includes any performance, paid or otherwise, whether or not the child had a licence for any of those days or was covered by a Body of Persons Approval (see below). There will need to be 'reasonable grounds' to believe that the child had not performed on more than three days in the past six months. A letter from the child's parent to confirm this would be the best approach, and advice could also be sought from the licensing authority.

1.7 If the child needs to be absent from school to take part in the performance then written permission will be needed from the child's headteacher to allow them to miss school for the performance.

➤ Body of Persons Approval

1.8 In some cases, an organiser can apply for a Body of Persons Approval (BoPA) from the local authority where their performance(s) are taking place. This covers all children in one approval, rather than individual licences for each of the children taking part. The organiser can apply for a BoPA for a specific performance or for a limited period of time to put on performances involving children. It is also more flexible as the names of individual children are not required, allowing children to join at short notice or to drop out if other commitments become too great.

1.9 A BoPA can be a good option for amateur groups who otherwise might find the licensing process onerous and costly, to the extent that children may be deprived of good opportunities. They may also be appropriate for other types of organisation: the key requirement is that the child is not paid (and would not normally be expected to be) and that the organisation can show that it has robust and effective systems in place to safeguard children during rehearsals and performances.

1.10 Applications for a BoPA should be made to the local authority for the area where the performance will take place and applicants should make as much information as possible available to the authority. The authority can impose conditions that they feel are needed to ensure the well-being of the children involved and may revoke approvals if these are not met.

1.11 The organiser may not have all the information when they apply for a BoPA, such as how many children will take part in an open event. Applicants should provide all the information that they have, explain why it is limited, and when the rest may be available. In these cases, it is best to apply as early as possible to give the local authority a reasonable amount of time to assess any application – and in case it needs more information before granting approval. If the information cannot be provided in advance, the authority can issue approval on the condition that the information will be provided as soon as it is available, even if that is after the event.

1.12 Where an application for a BoPA involves large numbers of children over a significant number of local authority areas, then in certain circumstances the Welsh Ministers may consider the application. In most cases, though, local authorities are better placed to judge the needs and safeguarding arrangements required for the children involved and Welsh Ministers would not expect to receive applications on a regular basis.

2. What about education and schooling?

Summary

A child's education must not be adversely affected by taking part in a performance or activity. Headteachers must be involved in any application for licences for children who attend their school and need to give permission whenever a child is to miss school to take part in any performance or activity.

Absence from school

2.1 Every child should attend school at every opportunity so that they are given the chance to achieve their full potential. The links between attendance and achievement are very strong, and those who miss significant amounts of school are less likely to attain the levels and qualifications that they should. Attendance is also key to the success of the school as a whole, as well as the individual. Headteachers have to consider the well-being of the child, their class and the school when they are asked to allow children to be absent. They are not required to allow children to be absent if they feel it would damage their schooling and their chances of achieving their expected levels of educational attainment.

2.2 While opportunities to take part in performances or other activities are important, they should not be considered as more important than the child's schooling. The organiser of any performance or activity must make sure that the children involved continue to get suitable education while they are involved.

Headteacher's letter

2.3 Involvement of the child's or children's school is essential. A local authority must not grant a licence unless it is in receipt of a letter from the headteacher of the child's school confirming that their education will not suffer. This is not just about missing school – although maintaining good attendance will be part of the headteacher's consideration of the request – but about anything that might have a detrimental effect on their learning, such as regular late nights, lack of time to complete homework, or other things which could interfere with the child's wider education or well-being.

2.4 The letter should be given by the applicant to the authority with the application form, so the child's headteacher should be approached as early as possible to establish whether there might be any concerns over the application. The only exception is where the authority agrees that it is not possible or practicable to get such a letter (such as when an application is made during school summer holidays and does not involve time out of school), but not if there could have been time to get a letter if the application had been better planned.

Licence applications and approval for absence

2.5 If a licence application says that the child will be needed on specific dates, the application must also include, as part of the letter from the headteacher of their school, specific permission for them to be absent from school on those dates.

2.6 If the licence does not specify dates (an open licence), then the child must have the headteacher's agreement (submitted with the application) that they can miss school in order to take part. The child will still need to obtain permission from the headteacher for each occasion the child is to be out of school. Whatever the type of school, it is always the headteacher's decision as to whether a child is allowed to miss school, not the local authority.

2.7 No child should take part in a performance, rehearsal or activity during school time without the agreement of the headteacher. Doing so would be an "unauthorised absence" and regular unauthorised absences are likely to mean action from the school and local authority against the parents, who have the legal responsibility of ensuring their child attends school.

Other performances

2.8 If any event involves a child missing school, then the headteacher's permission is required. If the headteacher has agreed to their absence in a licence application, then this will normally be enough provided that the headteacher agrees to the specific dates on which they are absent.

2.9 Where there is no licence – the performance or activity is subject to a Body of Persons Approval (BoPA) or relies on another of the exemptions – then it is entirely up to the headteacher of the school to decide whether to approve the absence of any child to take part. Where the school is organising the event, then this is not likely to be a problem as the children involved will still be in school or under the schools' care and control.

2.10 Where there is a BoPA or the child is allowed to take part under the Four Day Rule, the child cannot take part in the event if it involves time out of school without agreement from the headteacher. Only if the performance, rehearsal or activity takes place outside school hours (late afternoon or evening, weekends, bank holidays and school holidays) is the child allowed to take part without that permission. However, if this affects the child's learning, the headteacher should discuss with the child's parents, and the local authority, the best way to make sure they are not disadvantaged.

Education outside school

2.11 It is vital that a child's education does not suffer as a result of being involved in a performance or activity. For many children, their time out of school may be fairly short, but for others the time commitment away from school might be considerable and frequent. A local authority must not agree a licence where they think that a child's education may suffer by taking part in the performance or activity. If needed, the authority must also set out how and where a child will receive education outside school and must be satisfied that it will be suitable for the child being taught.

2.12 Children who receive private teaching as part of their licence must have at least the minimum amount of teaching – equivalent to three hours a day for each normal school day missed. However, this can be aggregated over four weeks (or the total period of the licence if that is less than four weeks) to allow some flexibility from day to day, with a minimum of six hours in any one week and a maximum of five hours in any one day.

2.13 There is no specific time by which any private teaching must finish. However, it would not be appropriate for a child to regularly have lessons at the end of the day, when performing or rehearsing has finished, as they are unlikely to be receptive to learning when they are tired. The needs of each child must also be taken into account, rather than insisting on one fixed approach to teaching. Local authorities may also set conditions as part of the licence on how private teaching will be carried out in order to make sure the child's education continues.

2.14 All time spent in education counts towards the hours spent at the place of performance or rehearsal each day: these must not go past the maximum hours set for that child in the licence (see Annex 3). However, time spent in school or another place of learning that is not specified in the licence, such as time the child spends in school before going to take part in the event or any period of learning that lasts 30 minutes or less does not count towards this total.

Private teachers

2.15 The education required by the licence may be carried out by a private teacher, although it may also be carried out partly in a school by the school's teachers if the authority approves the arrangements. Any private teacher has to be considered 'suitable' by the local authority granting the licence. The local authority should request references, an up-to-date Disclosure and Barring Service (DBS) check, evidence of experience, qualifications and anything else which shows ability and suitability to teach children to the level expected for their age and attainment.

3. What rules apply to every performance, even without a licence?

Summary

Anyone who organises performances must make sure that a child does not work or rehearse longer or later than fits their age, whether or not a licence is needed. Children must also have proper breaks during the day and overnight.

All performances

3.1 There are some key requirements that apply to anyone organising performances involving children. These will apply to **all** these performances, whether licensed or otherwise, and so must be followed by all producers and organisations at all times, whatever the size and nature of the events.

Time taking part in performing or rehearsing each day

3.2 The main time limits that apply to different age groups are set out in Annex 3. These apply for all children in all performances– not just those for which a licence is required. The limits are the maximum times for which children can be present, rehearsing or performing at the performance venue and the minimum lengths of time for breaks during the day. The maximum amount of time spent rehearsing or performing each day is a limit and not a target. The actual amount of time spent rehearsing or performing by any child must reflect their age, situation and experience, along with consideration of their health, well-being and fitness to take part. The earliest start time and latest finish time are also limits so, for example, 7.00 am does not have to be the normal time for a child to turn up.

Breaks

3.3 Children need proper breaks during the day and between performances to rest and recover. Meal breaks must be at least 45 minutes and other breaks no less than 15 minutes long. The child must have a break of at least 1 hour 30 minutes between each performance. The only exception is when the earlier performance is shorter than one hour and

- the following performance or rehearsal is at the same venue; OR
- there is no time required to travel between performances or rehearsals.

In such a case, the break may be reduced to no less than 45 minutes. Some children may need longer breaks and their needs should be taken into account when planning schedules.

3.4 Overnight breaks must be at least 12 hours but most children should normally have an overnight break of no less than 14 hours. Organisers must make sure that each child is able to have proper rest.

3.5 The time spent in make-up or wardrobe, or any other form of specific or physical preparation such as warm-up exercises, does not count as a break but forms part of time spent in rehearsal. That means that such time forms part of the total number of hours allowed at the place of performance or rehearsal. The time spent in make-up or wardrobe, or any other form of specific or physical preparation, therefore cannot take place before the times listed in Annex 3 or as agreed in the licence.

3.6 Any child taking part in a performance must not take part in any other employment on the day of the performance or the day after. This does not stop them performing or rehearsing on two consecutive days, or being involved in publicity for the event. However, the restriction is there to allow children to get enough rest when they are not rehearsing or performing.

4. What does a licence include?

Summary

Licences must only be agreed where the child will be properly safeguarded. This means proper care for the child's health, education and protecting the child's welfare and well-being, including their working and travelling time. Local authorities will require evidence that all these issues have been considered before agreeing to issue a licence.

Safeguarding children and their education

4.1 Local authorities have a duty to safeguard and promote the welfare of children and before issuing a licence they must be satisfied that:

- the child is fit to take part in the performance or activity;
- proper provision is made to secure the child's health and well-being; and
- proper provision is made to ensure that the child's education will not suffer.

4.2 Only if these conditions are met should a licence be issued. If an authority is not satisfied, it can put extra conditions in place or refuse to grant a licence.

Child protection policy

4.3 As part of this duty, the person applying must give the authority a copy of their organisation's child protection policy with the application. The licence should require them to make sure that the policy is followed and that the child is properly protected at all times.

Time rehearsing, performing and at the place of performance

4.4 All children have limits on the amount of time they can take part in performances and activities. These limits and the earliest start and latest finish times apply to children in all performances, whether licensed or not. These are listed in Annex 3.

4.5 Rehearsals during the performance period come under the licensing requirements and are subject to the same conditions and time limits as performances. Rehearsal time counts towards the maximum permitted hours a day for each child. Warm up time should be taken into account when assessing the amount of time that a child spends in rehearsal.

4.6 Licensing requirements do not apply to rehearsals that take place before the first day of performance. A local authority should still consider whether the amount of rehearsals before the first day of performance will have an adverse impact on the education and well-being of the child. The application for a licence must include details of any rehearsals which will take place before the first day of performance (dates, times, places and duration). The authority may place extra conditions on the licence if they believe that the overall schedule, including these rehearsals, might have a negative impact on the child.

Length of time performing

4.7 A child can take part in performances (including rehearsals) for no more than six days in a row, in order to give them time to recover and to allow them time away from the production. This can continue for no more than eight weeks. If a child works for this maximum time, they must have a minimum break of 14 days before their next performance. This rule will not apply if the child's licence specifies fewer than 60 days of performance. However, the authority can decide to limit the length of time performing for any child through conditions on the licence if it feels that the schedule would affect their education or well-being.

Travel time

4.8 Some children travel considerable distances to take part in a performance and the organisers should allow for that in setting the timetable for each day of the performance. The authority should take travel time into account and, if necessary, set out different start and finish times for a child to allow for travel as a condition of a licence.

Working at night

4.9 Although there is an earliest starting time and a latest finishing time (see Annex 3), a child is allowed to work at night (that is, after the latest finishing time and before the earliest starting time) if a request is made to the child's local authority. As the child's well-being is paramount, such work is subject to restrictions.

4.10 If a child is to work at night, then:

- the time spent performing at night must be counted as part of the total hours of performance or rehearsal in one day, and must not exceed the maximum for their age;
- if a child performs at night, then they must have a break of at least 16 hours until they take part in any further rehearsal or performance; and
- if a child performs for two consecutive nights, then they must not work again at night for another seven days.

4.11 For example, if the local authority agrees that a 10 year old child may work at night, they might work between 0000 (midnight) and 0300 on a Tuesday. This would mean that during the day before (between 0700 and 2300 on Monday), their time rehearsing and performing could not be longer than 6 hours 30 minutes (the maximum time allowed being 9 hours and 30 minutes).

4.12 Having finished at 0300, the same child could not return to work until 1900 on Tuesday (16 hours afterwards). If they were then to do some more work that night between 2300 (Tuesday) and 0200 (Wednesday), then the child could not:

- return to rehearsal or performance before 1800 (Wednesday) or
- do any other work at night until after 2300 on the following Wednesday (seven days later).

5. What is the role of a chaperone?

Summary

Chaperones are pivotal to ensuring the proper care of children taking part in performances. They must act in the best interest of the child and so must have appropriate training in line with local arrangements. Chaperones also have discretion to allow longer working if required. If they exercise this discretion, they must report this to the authority. They also have a right to review the performance script to make sure it is suitable, taking into account the age of the child.

Chaperones

5.1 Every child taking part in a performance or activity must be properly cared for and supervised at all times. This cannot always be done by their parents, so the local authority will approve chaperones to look after the child and their best interests while they are involved in the performance or activity. This applies whether the child is living at home or whether the child is away from home for a time. The chaperone's top priority must always be the best interests of the child they are looking after, including their health, well-being and education, throughout the time of the performance or activity.

5.2 A chaperone is needed where the child's parent or teacher is unable to supervise the child for the duration of the performance, rehearsal or activity. If the child is being supervised or cared for by one of their parents, or by one of their usual teachers (for example, during a school production), then a chaperone is not required. However, this does not apply to other members of the child's family. If a grandparent accompanies a child to an event, for example, then a chaperone will still be needed unless the grandparent has parental responsibility.

Training and suitability

5.3 People wishing to be approved as chaperones should apply to the local authority for the area where they live. Those applying to a local authority in Wales for approval as chaperones must be deemed suitable by that local authority before they can carry out any duties of a chaperone and must take appropriate child protection training in line with local arrangements. The content and timing of this training will be decided by the local authority under their safeguarding policy.

5.4 The authority will also need to be satisfied that a chaperone is suitable and competent to take charge of the children. This is likely to include references, an up-to-date Disclosure and Barring Service (DBS) check, and evidence of experience, qualifications and anything else which shows their ability and suitability to care for children. A chaperone can take charge of no more than twelve children at a time or, if they are also acting as a private teacher, no more than three.

General duties

5.5 A chaperone's only duty is to the child, which comes above any other expectations or demands from any other person or employer. The chaperone must be the child's champion and advocate, standing up to any request that they believe is not in the child's best interests or which might adversely affect their health, well-being or education. This also means that the child should be comfortable with the chaperone so that they can share any concerns. The chaperone must challenge behaviour and actions that they feel are not appropriate when children are involved and raise any worries about health, safety and risk in any area of the performance or activity.

5.6 This champion role will also mean the chaperone making sure that a child who is not well is not expected to perform and that breaks are not eroded by demands to be ready the moment the break ends. This is also a child protection role: a chaperone needs to make sure the children are not left with other adults (except their parent or teacher) and must protect the child from being forced into anything they do not want to do, either as part of the performance or activity or off stage.

5.7 As this role is entirely about safeguarding the child in their care, chaperones must behave appropriately while looking after the child. They must avoid any actions – such as drinking alcohol or smoking while on duty, taking care of the child while under the influence of alcohol, wearing inappropriate clothing or using inappropriate language in front of the child – that could threaten the well-being of the child. Similarly, the chaperone can only do that job while looking after children. They cannot also be members of the audience, work backstage, or be linked to any activity associated with the performance. Parents acting as chaperones will also need to carry out just that role while they are at the place of performance or rehearsal: if they want to watch a performance instead of remaining with the child, they will need another chaperone to stay with the child to meet the needs of the licence.

5.8 A chaperone should have a 'Key Contact' list for each of the children in their care. This should include parents/carers, the licensing authority for the child, the host authority (where performance or activity is taking place), any agents and the management of the company organising the event. They should always remain in close contact with the organiser and licence holder who has a legal responsibility to safeguard the child. The chaperone looking after a child may be approved by a local authority other than the one that issued the licence for the child.

Scripts

5.9 Where permitted by the licence, the chaperone can request to see the latest copy of the script being used for the performance, so that they can confirm that it is appropriate for the child. What is appropriate will vary according to the child, their age and the production itself. The chaperone should raise any concerns with the producers in order to safeguard the child in their care: if their concerns are not resolved, the chaperone should contact the local authority for the child to alert the authority to their concerns.

Discretion on finishing times

5.10 The chaperone may decide whether or not a child will be allowed to work past the latest finish time in certain exceptional circumstances. Sometimes a theatrical production will overrun or filming is delayed by technical reasons, meaning that the child is needed later than the Regulations or the licence allow. In these situations, the chaperone can agree an extension of no more than one hour, as long as they are satisfied that the child's well-being will not be affected and that the child's total time that day (including the additional time agreed) does not exceed the maximum allowed. The chaperone must then inform the relevant local authorities (those that issued licences for the children involved and the host authority where the event is taking place) that the extension was agreed and the reasons for agreeing it.

5.11 This discretion is designed for occasional use only, where there are unusual or unforeseen circumstances that delay a production. Chaperones should consider a request for an extension only in exceptional situations. It should not be used on a regular basis or to make up for poor scheduling by the organisers of the event. It would be reasonable for a local authority to ask for further information or to question the number of extensions granted if it seems to the authority that this provision is being used too often.

5.12 The chaperone may also agree to reduce one of the meal breaks to not less than 30 minutes where the performance or rehearsal is outdoors. Again, this is expected to be only an occasional occurrence.

6. How do you apply for a licence?

Summary

Only a person who has responsibility for making sure a child is properly safeguarded can apply for a licence. Applications for performances in Great Britain should be made to the local authority where the child normally lives. A doctor's certificate is not normally needed

Responsible person

6.1 The application must be made by the person or organisation responsible for organising, producing or running the activity or performance in which the child will be involved. The application must be made in writing to the relevant local authority at least 21 days before the licence is needed. If less notice is given, the authority has the right to refuse to grant a licence on the grounds that there is too little time to carry out their responsibilities. If the licence is granted, the applicant will be legally responsible for ensuring that all the conditions are met and that the child is properly safeguarded.

6.2 It is possible for an agent to apply for a licence on behalf of the child where the child is to take part in a modelling event and where the child, or someone on their behalf, is paid. However, an agent cannot apply for such a licence when the child is to take part in a 'performance' (see chapter 1 and Annex 2).

6.3 A person or organisation that is not responsible for that performance or activity and so cannot make sure that the child is protected and safeguarded throughout the activity cannot apply for, or be granted, a licence.

Responsible local authority

6.4 Where the child normally lives in Great Britain (Wales, England and Scotland), the application should be made to the local authority where they live. England and Scotland have separate, but similar, application processes for children who live there. The application will be considered by a licensing officer, who should have undertaken appropriate child protection training in line with local arrangements.

6.5 Where a child lives outside Great Britain – which means anyone from Northern Ireland, as well as anyone living outside the United Kingdom – then the application should be made to the local authority where the responsible person lives or works (their 'place of business').

Information required

6.6 The information required for a licence falls into two sections – information about the child and information about the performance or activity. This is listed in Annex 4, which sets out the information that is needed and guidance on what should be included in the application.

6.7 A medical certificate is no longer required as part of every application. However, a local authority may request a medical examination of the child before a licence is granted.

Signatures

6.8 The application form must be signed by the applicant and a parent of the child.

Risk assessments

6.9 As part of their approach to ensure the effective safeguarding of children, applicants should have carried out risk assessments of a number of areas to make sure that children are properly protected. These will include physical safety on stage, health risks and work pressure on the children, as well as wider safeguarding and child protection issues. These risk assessments should be included with the application and the child protection policy. The local authority should raise any areas of concern before agreeing a licence.

Information security and data protection

6.10 Every application and licence will contain personal data on children aged 16 or under. The Data Protection Act requires everyone involved in collecting and using this data to ensure that appropriate measures are taken to protect it from misuse or loss. This means that appropriate levels of protection must be used to keep the information safe. More information is available from the [Information Commissioner's Office](#).

6.11 Anyone sending an application will need to make sure it is secure from interception or tampering. The Royal Mail and other mail companies offer parcel tracking and signed-for services that provide additional security. Similarly, completed licences should only be issued with appropriate levels of security, whether through the post or when collected in person.

6.12 Any submission by e-mail must be sent to a secure address in the appropriate local authority. General enquiry addresses and named e-mail addresses, unless confirmed as secure, should not be used to submit personal data. The route of any electronic applications must be agreed with the authority before they are sent, so that receipt can be confirmed by the right person.

6.13 Local authorities have Information Security policies and protocols. People handling licence applications should discuss the systems they use with their own Information Security teams and should consider what could be done to improve the security of this information, electronic or analogue, throughout the application process.

7. How will the application be considered?

Summary

Applications should be made in full at least 21 days before the licence is needed. Local authorities can ask for further information and can attach extra conditions when necessary.

Timing of applications

7.1 The application must be made in writing to the local authority where the child normally lives at least 21 days before the licence is needed. This allows time for all the proper checks to be carried out and to make sure that all the necessary safeguarding procedures are in place. Applicants should talk to the local authority as soon as they think a licence will be needed so that any problems can be resolved as early in the process as possible.

Requests for missing and further information

7.2 All the information listed in Annex 4 must be submitted unless it is clearly not applicable to the child in question. If the local authority does not receive all the information needed, then it should request any missing information from the applicant. Until this is received, the application should not be considered and the issuing of any licence is likely to be delayed.

7.3 The authority can also request further information if it feels that it needs to know more in order to decide the application. These include:

- a medical examination and report on the child (this is no longer an automatic requirement, but can still be requested if it appears necessary);
- an interview with the private teacher proposed by the applicant; and
- an interview with the child, the child's parent(s), the applicant or the proposed chaperone.

Further conditions

7.4 The local authority must do everything it can to safeguard the child's health, well-being and education. This may mean further conditions to safeguard these before agreeing to issue the licence. Early discussions with authority staff will be important to make sure that any issues are explained fully and understood, and that any further conditions are accepted and properly followed.

7.5 Where an application for a licence does not include the dates of the proposed performance or activity, then the authority must set a limit on the number of days on which the child can take part over a six month period. This can be managed by making as much information as possible available to the authority in the application so that the proposed workload is as clear as it can be to all involved.

Timescale

7.6 There is no time limit in which an application must be considered. An application made less than 21 days before the first performance may be refused. Should an authority request further information, then this may further delay granting the licence. However, many authorities are willing to grant licences in under 21 days where the applications are clear and complete and where the range of safeguarding issues have been properly addressed. Applications that are incomplete, or which have not properly considered the safeguarding of the child, are likely to take longer or be refused.

Approval of accommodation

7.7 The licensing authority must approve any place where the child is staying if they are not staying at home. The authority has wide discretion to ensure that the accommodation is suitable to meet the needs of the child or children staying there, including proper meals that meet dietary, cultural or other requirements. It can also put further conditions on the licence to make sure that the child has proper transport to and from the place where they are performing, and any other conditions they feel are necessary to support the well-being of the child.

Approval of place of performance or rehearsal

7.8 The licensing authority must also approve the place or places where the child is performing, rehearsing or taking part in an activity. This includes any locations for filming or broadcast, any rehearsal rooms, any sports stadia or locations for modelling and fashion shows, as well as theatres and film/television sets. The authority cannot approve a place – and so cannot approve a licence – unless it is content that it is suitable for the child involved, taking account of age, gender and any other matters.

7.9 There must be proper arrangements for meals, for dressing and for changing clothes and costumes, and for toilets, washing and hygiene. In particular, any child aged 5 or above must be able to change in facilities restricted to their own sex, not mixed sex or unrestricted ‘children’s’ areas. These areas should also be limited to children wherever possible. If that is not possible then restrictions on adults’ access to those areas must be in place and strictly adhered to.

Approval or refusal of application

7.10 If the licence is approved, the local authority should issue the licence in a secure manner to the applicant, listing any conditions it considers necessary. It must also send a copy to the child’s parents and to the authority/authorities in whose areas the performances or activities will take place.

7.11 If the local authority refuses to grant a licence, it should give its reasons in writing to the applicant. The decision to refuse to grant the licence could be challenged, as can the conditions under which the licence is issued.

8. What do you need to do once you have a licence?

Summary

Licence holders must keep all required documentation until 6 months after the last performance. Local authorities and the police can request to see these and authorities can inspect premises, accommodation, education and chaperoning as part of their duties.

Retaining records

8.1 Once a licence has been granted, the licence holder must keep copies of all the information and documentation that formed part of the application for that licence, for six months after the final date of performance stated on it. The licence itself can be inspected by the local authority for the area where the performances are being held, or by a police officer, at any time during the lifetime of the licence.

Keeping records of time spent by the child

8.2 Licence holders must maintain records of the days and the amount of time that children spend:

- at the place of performance or rehearsal;
- performing, rehearsing or in sporting and modelling activities (this includes time taken to warm up and warm down);
- performing or rehearsing continuously;
- resting or at meal breaks;
- in education;
- performing after the latest time set in the licence;
- performing at night;

as well as:

- start and finish times for each day;
- records of any injuries and illnesses;
- the dates of any breaks in performances (when a child is performing for the maximum number of days); and
- a list of all money earned by the child, whether paid to the child or another person, and (if required by the licence) how this has been managed.

Local authority enforcement, extension and revocation

8.3 Local authorities must ensure that the child's welfare is protected throughout the period of the licence. The records above may be inspected by the licensing authority (where the child lives) or the host authority (where performance is taking place), or the police. They may inspect these records, or the accommodation or place(s) of performance and rehearsal, in order to make sure that licensing conditions are being met. Licence holders are legally required to retain certain records for six months after the last performance or activity.

8.4 Areas that the local authority may look for when inspecting a place of performance or activity are:

- ensuring that the children taking part in the performance are happy, fit and not overworked;
- inspection of the facilities, including accommodation, shelter, and whether the children have been provided with suitable clothing, food and drink;
- chaperones – supervision, relationship with the child;
- tuition – discussion with tutor, child and parent, inspecting records;
- health and safety – (availability/access to/provision of) first aid, medical facilities;
- record keeping – inspecting licences and daily record sheets;
- observation and discussion with child, parent, chaperone and production team.

9. What about taking part in performances or activities abroad?

Summary

Applications for a licence for a child to perform abroad for profit must be made to a magistrate. The rules are different for children aged under 14 and for those aged 14 and over. Licences may only be granted for three months at a time and the magistrate must be satisfied that the child understands what they are being asked to do.

Licence for performances or activities abroad

9.1 If a child is to work abroad for profit, then a magistrate must issue a licence before they can travel and take part. In this case, 'abroad' means outside Great Britain and Ireland, so visits to the Republic of Ireland and Northern Ireland do not need a magistrate's licence.

9.2 For children under the age of 14, a licence can only be given where the child is:

- acting a part that can only be played by a child about that age;
- dancing in a ballet (or as part of an opera) and the part can only be danced by a child about that age; or
- taking a wholly or mainly musical part in a performance which is wholly or mainly musical, opera or ballet.

For the first two conditions, the application must be accompanied by a declaration that the part cannot be acted or danced other than by a child of around that age.

9.3 From 14 until school leaving age, a licence can be given for a child to:

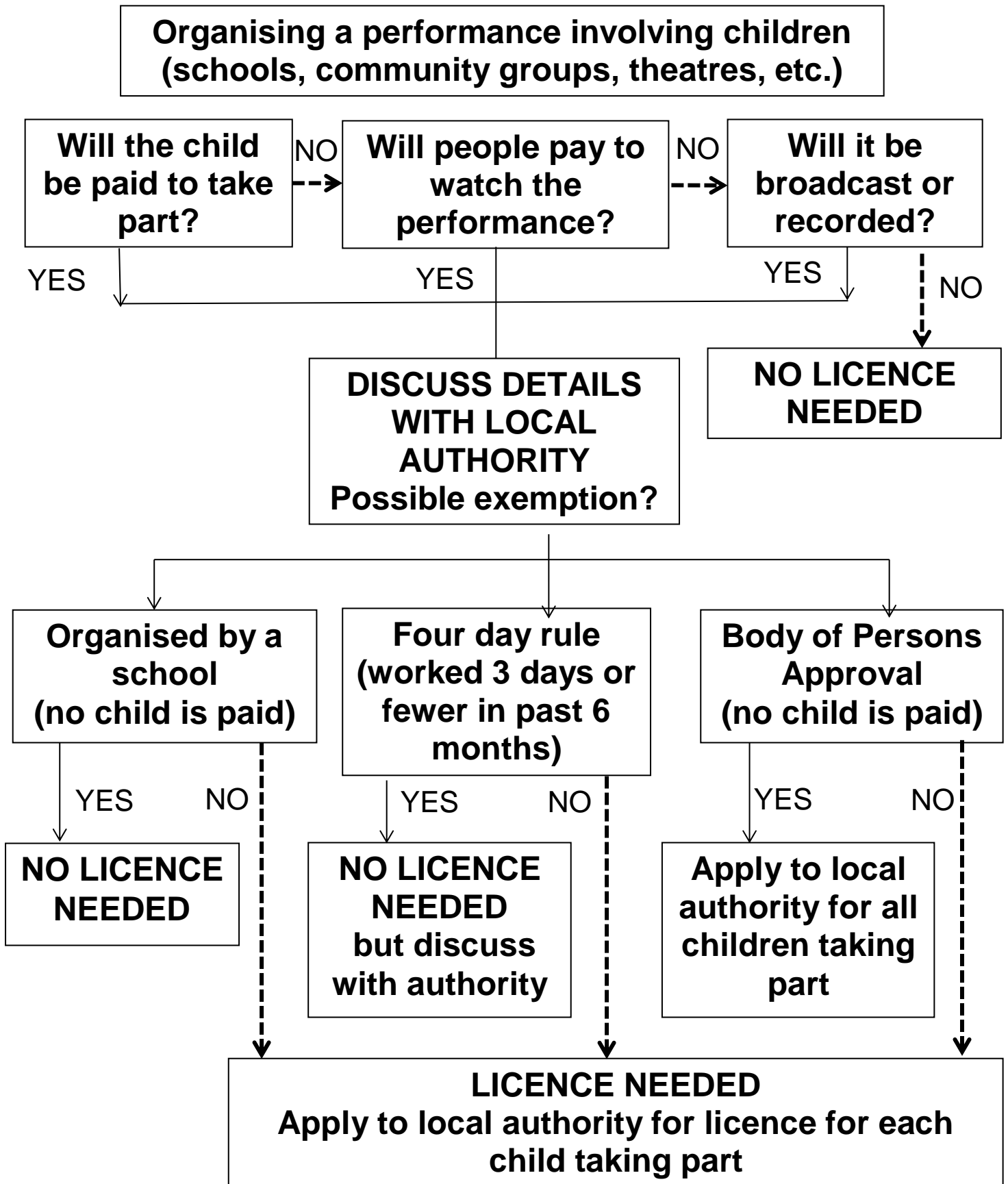
- sing, play (a musical instrument), perform or be exhibited for profit, including any broadcast (live or recorded) performances; or
- take part in sport or work as a model where the child is paid for taking part (whether payment is made to the child directly or to another person), except for expenses.

9.4 The magistrate must be satisfied that the child is going abroad for a specific engagement and has the contracts to confirm this, that the child understands what they are being asked to do, that they are fit and well, and that arrangements are in place for the child to return home after the contract has ended. The magistrate should make sure that they have contacted the local authority where the child lives to get any information on the child's recent performances and licence applications, and to get other information that the local authority or the magistrate may deem relevant to the application to work abroad.

9.5 A licence may be granted for up to three months, although it can be extended further. A magistrate must require security from the applicant – money, property or other asset held by the court to guarantee compliance with the licence conditions – if they think it is necessary.

9.6 The information required for a licence for a child to take part in performances or activities abroad is different to that required to work in Great Britain, and will be sent to the Welsh Government to be sent to the appropriate UK consular officer.

Annex A: Outline of licensing process



Annex B: Which performances may require a licence

A licence may be required for:	A licence may not be required for:
Performances that meet the criteria in section 37(2) of the 1963 Act. These can include: acting; singing; dancing; playing in an orchestra; stand-up comedy; magic act; and any production where the activity is contrived or constructed for dramatic effect.	Observational documentaries where a child is filmed carrying out normal day to day activities for example playing in the street, participating in an ordinary lesson, training for their sport.
'Reality' television where the activity in which the child participates is manipulated/controlled or directed for the purpose of the entertainment.	Elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentary provided the child is filmed being themselves without direction.
Presenting or compering (where this has an element of contrived performance).	Daily news reporting, news reports (including investigations in the public interest, such as testing if shops sell goods to a child under age).
Entertaining or performing where the performance meets any of the criteria under section 37(2) of the 1963 Act e.g. for a paying audience, on licensed premises, a recording for broadcast or public exhibition.	<ul style="list-style-type: none"> • Being interviewed as a member of the public; • self-generated content, e.g. a child records themselves and puts that on the internet; • castings and auditions that are not recorded for public exhibition; and • being part of an audience (watching a show either in a studio, theatre or stadium).
Dancing at a community dance festival or performance that meets any of the criteria set out under section 37(2) of the 1963 Act.	Dance workshops held on the same day of the performance at a different venue.
Photo-shoots and modelling where the child (or someone else in respect of the child's taking part) receives payment.	Photo-shoots and modelling where no payment is made in respect of the child's participation.
Taking part in a sport where the child (or someone else in respect of the child's taking part) receives payment, other than expenses.	Being a ball boy or girl.

Annex C: Time limits for children taking part in any performance or activity

Age	Maximum number of hours in one day at place of performance or rehearsal*	Maximum continuous number of hours of performance or rehearsal in one day	Maximum total number of hours of performance or rehearsal in one day	Earliest start and latest finish times	<u>Minimum</u> duration of breaks
Birth until child reaches 5	5 hours	30 minutes	2 hours	Start 0700 Finish 2200	15 minutes 45 minutes for a meal (if child present for 4 continuous hours or more)
From 5 until child reaches 9	8 hours	2 hours 30 minutes	3 hours	Start 0700 Finish 2300	When present for 4 to 8 hours: 45 minute meal break 15 minute break plus additional 15 minute break if present 8 hours or more
From 9 until child reaches school leaving age	9 hours 30 minutes	2 hours 30 minutes	5 hours		

All breaks must be used for the purposes of meals, rest, education or recreation for a child under the age of 5

* This includes any time spent in education agreed in a licence.

Minimum break between performances on same day	Minimum break overnight between attendances
1 hour 30 minutes unless earlier performance is 1 hour or less and no travel is required, in which case the minimum break may be reduced to 45 minutes.	12 hours unless child takes part in night work, in which case the minimum break after such work is 16 hours

Annex D: Information needed for a licence application

Part A – The child

Information	Detail
Name, address and date of birth.	To be confirmed by the documentation required below.
Name and address of school or private teacher.	This is the school currently attended by the child or, if the child is not attending a school, the name and address of the private teacher.
Details of each licence granted for this child during the past twelve months.	In each case, this must include (a) the name of the local authority (b) the date on which the licence was granted; and (c) the dates and nature of performances or activities, except where licence(s) were granted by the authority to which this application is made.
Details of each application for a licence for this child refused in the past twelve months.	Again, this must include (a) the name of the local authority; and (b) the reasons (if known) for the refusal to grant a licence, except where licence(s) were refused by the authority to which this application is made.
Details of any performances in which the child took part for which a licence was not required in the past twelve months.	In each case, this must include (a) the date of the performance; (b) the number of days of performance; (c) the title of the performance; and (d) the name and address of the person responsible for the production of the performance in which the child took part.
Dates (if any) on which the child has been absent from school during the twelve months preceding the date of the application by reason of taking part in a performance or activity.	This includes all occasions where the child has been absent because of a performance or activity. This includes times when the child has performed under exemptions, such as in school productions, and when different people have applied for licences for that child.
Amount of money earned by the child in the past twelve months.	This must state whether the monies were earned from performances or activities for which (a) a licence was granted or (b) a licence was not required.

Part B – Performance or activity

Information	Detail
Name, title and address of the applicant.	This must be either the person responsible for organising the activity or the production of the performance in which the child is involved.
Name and nature of the performances or activities the licence is for.	For example, theatrical, filming, sport, modelling, or other description. It must also explain what the child will be required to do while taking part and the type of activity.
Place of activities, performances and rehearsal.	Includes the detail of any periods on location.
The dates of activities, performances or rehearsals or the number of days, and the period during which, the child may take part.	Where specific dates are not yet available, the application must set out the number of days the licence is for and when the child will be needed to take part.
Expected total running time or duration of activities or and the approximate duration of the child's appearance.	This includes rehearsal time and must reflect the limits on attendance and performance.
The amount of night-work (if any) being requested.	This must set out: (a) how many days this will take place; (b) how long work will last each day; and (c) why night-work is needed.
The sums to be earned by the child.	This includes how much the child will earn by taking part in the performances or activities and, if this money isn't being paid direct to the child, the name, address and description of the person to whom the money will be paid.
The proposed arrangements for any rehearsals prior to the first performance.	For every planned rehearsal, give: (a) the date; (b) the place; and (c) the approximate time and duration.
The days or half days on which leave of absence from school is requested.	This includes time for both performances and rehearsals, or activities.
Letter from the headteacher of the child's school	This must cover any issues that might affect the child's education and well-being, as well as agreement to the child's absence from school. This can only be omitted if the authority agrees that the applicant obtaining a letter from the headteacher is unfeasible.

Information	Detail
Proposed arrangements (if any) for the education of the child.	<p>If the child is going to be educated at school (their usual school or another one), then the name and address of the school is needed.</p> <p>Where the education is to be provided other than by a school, then the application needs to give:</p> <ul style="list-style-type: none"> (a) the name, address and qualification(s) of the proposed private teacher; (b) the place where the child will be taught; (c) the proposed course of study; (d) the number of other children to be taught by the private teacher at the same time as this child, and the sex and age of each of the other children; and (e) the amount of education the child is to receive.
The name and address of the proposed chaperone or, if none is required, the name and address of the parent or teacher who will have care of the child.	
The name of the local authority which has previously approved the appointment of the named chaperone.	
The number of children to be in the charge of the chaperone while the chaperone is in charge of the child.	Includes the sex and age of each of those children.
The address where the child will live, the details of any other children living there and details of any chaperone living in that accommodation.	This only applies when the child will be living away from home or the place where they normally live.
Approximate length of time which the child will spend travelling and arrangements for transport.	<p>The total travel time must be taken into account by the authority in agreeing the licence, so the application needs to set out the time it will take to travel to and from the place of performance or rehearsal.</p> <p>The ordinary overnight accommodation of the child will normally be the starting point, including their home when they remain with the parent(s) each night.</p>

Information	Detail
The name of any other local authority to which an application has been made for another child to take part in performances or activities to which the application relates (if not known at the time of application, to be provided when known).	List the authorities to which applications have been made for other children to be granted licences for the same performances or activities. If those applications to other authorities are made after completing this application, then details of those authorities must be provided when known.

Additional documentation

Information	Detail
A copy of the birth certificate of the child.	
Two identical photographs of the child taken during the six months preceding the date of the application.	
A copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances or regulating the activity for which the licence is requested.	
The child protection policy or policies that the applicant will apply.	

Annex E: Cross-reference

Regulations to Guidance

Regulation	Title	Guidance (paragraphs)
Part 1	General	
1	Title, commencement & application	6.4, 6.5
2	Interpretation	
3	Revocations	
Part 2	Documentation requirements in relation to all licences	
4	Application for licence	6.1–6.3, 6.6–6.8, 7.1, 7.6
5	Licence conditions	4.1, 7.4
6	(Licence without specified dates)	7.5
7	(Further information)	7.2, 7.3
8	Form of licence	
9	Particulars that authority must provide	7.10
10	(Particulars to host authority)	7.10
11	Records kept by licence holder	8.2
12	Production of licence	8.1
13	Child protection policy	4.3
14	Letter from headteacher	2.3, 2.4, 2.8–2.10
Part 3	General requirements applicable to all licenced performances or activities	
15	Education	2.1, 2.2, 2.11–2.15
16	Earnings	
17	Chaperones	5.1–5.9
18	Accommodation	7.7
19	Place of performance/rehearsal	7.8
20	Travel arrangements and time	4.8
Part 4	Restrictions in relation to all performances	Chapter 3
21	Application of this part	
22	Employment	3.6
23	Earliest and latest times	3.2, Annex 3
24	Attendance at place of performance/rehearsal and hours of performance	3.2, 4.4–4.6, Annex 3
25	Breaks on day child is performing/rehearsing	3.3, 3.5, Annex 3
26	Minimum breaks overnight	3.4, Annex 3

Regulation	Title	Guidance (paragraphs)
Part 5	Restrictions and exceptions in relation to all licenced performances	
27	Application of this part	
28	Max number of consecutive days	4.7
29	Break in performances	4.7
30	Night-work	4.9–4.12
31	Chaperone discretion	5.10–5.12
Part 6	Licences to perform and participate in activities abroad	
32	Form of licence	9.1–9.5
33	Information to be provided to consular officer	9.6

Guidance to Regulations

Guidance (Chapter/ Paragraph)	Title	Regulation	Principal Acts
1.	When do you need a licence?		
1.1–1.3	Types of performance/activity		1963 Act s37(2)
1.4	Exemptions:		1963 Act s37(3)
1.5	<ul style="list-style-type: none"> Schools 		1963 Act s37(3)(b)
1.6–1.7	<ul style="list-style-type: none"> Four Day Rule 		1963 Act s37(3)(a)
1.8–1.12	<ul style="list-style-type: none"> Body of Persons Approval 		1963 Act s37(3)(b)
2.	What about education and schooling?		1963 Act s37(4),(7)
2.1–2.2	Absence from school	15	
2.3–2.4	Headteacher's letter	14	
2.5–2.7	Licence applications and approval for absence	14, 15	
2.8–2.10	Other performances	14	
2.11–2.14	Education outside school	15	
2.15	Private teachers	15	
3.	What rules apply to every performance, even without a licence?		
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