



GET SUCCESS TV
INDEPENDENT TELEVISION PRODUCTIONS

GSTV'S CHILD SAFETY POLICY

GSTV Child Safety Approach
Version 1.0

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Child Safety and GSTV:

Get Success TV (GSTV) believes a successful business is a responsible business. As such we are committed to doing the right thing in our day to day operations, and focusing on the areas where we believe we can make a real difference. In line with this, we want to help families keep their children safe on-screen and online. We work at a number of levels - from continually improving our own technology, to ensuring checks are in place in programming and marketing, to working in partnership with other companies and Government, to ensure we have the highest possible standards in place.

Scope:

This Child Safety Approach is to act as an umbrella for all policies or guidelines relating to children and applies to all GSTV People. It also tells you who to go to for further information or any queries.

A child is defined as someone less than 18 years of age. However, a child of 16 and 17 years of age is considered by GSTV to be able to take an informed decision in some circumstances. You should refer to the individual policies and guidelines below on where this is applicable.

Business Requirement:

This is the approach that all GSTV People must follow should your work involve, or could involve, children to make sure GSTV is helping protect children or giving their parents the tools to protect their children.

This approach addresses the three main areas in which children come into contact with GSTV:

1. On Screen
 - a. Child participation in programming
 - b. Programming content
 - c. Televised competitions
2. Online
 - a. Creation of new websites designed to, or that may, target/appeal to children
 - b. Online age verification, and where appropriate parental consent
 - c. User-generated content
3. Data
 - a. Collecting, storing and disposing of personal data from children

FILMING CHILDREN

If you are filming children you must adhere to the Children (Performances) Regulations 1968 (as amended).

I. The child may require a licence to take part in filming.

Please review the commonly asked questions below to see if you need to apply for a licence.

II. Further regulations must also be adhered to concerning:

Daily and weekly hours of work (regardless of whether or not a licence is required)

Rest periods and meal times

Education Requirements

Medical Examinations

Conditions at place of work or performance

Provision of matrons, chaperones etc.

Record Keeping

LICENSING REQUIREMENTS

PACT'S advice is to contact local authorities at the earliest possible moment if you intend to offer an engagement to a child performer. Contact the licensing authority or PACT for more guidance in a particular case.

A. When is a licence required?

All children of compulsory school age and under who are taking part in a performance arranged either for broadcast or with a view to its use in a broadcast or in a film require a licence. (A child stops being of compulsory school age on the last Friday in June of the academic year in which their sixteenth birthday falls. The academic year runs from the 1st September to 31st August. This means that in England and Wales, a child can be sixteen but still required to have a performance licence.)

All children of compulsory school age require a licence when performing overseas (see I below).

However, if you are filming a performance that someone else has organised or arranged, for example you are filming children participating in a music festival or play - the "performance" is not organised for the film or broadcast and you will not be responsible for obtaining any licences required.

The form of application for a licence is set out in Schedule 1, Part I of the Regulations

<http://www.hms0.gov.uk/si/si1998/19981678.htm>

B. What is a performance?

This concept of a performance is not defined in the Regulations. If children are being filmed carrying out their normal activities, for example playing football, attending school etc., no performance takes place. If these activities are arranged for the purpose of the film, however, arguably a performance takes place. A helpful guide is whether any direction is taking place. Thus, simply filming a school match taking place or children in a playground is unlikely to involve a performance.

However if children are required to be present at a place of performance local authorities are of the view that they require a licence, therefore babies and children to be used as extras or walk-ons would need to be

licenced.

If you engage a choir including children for a production, you will be organising the performance and therefore will be responsible for obtaining licences for any children involved. If you simply engage a choir to perform and the choir turns up, including children, you may have to obtain licences depending on all relevant circumstances.

C. Do all performances require a licence?

No. Unpaid performances given under arrangements made by a school or some other body approved by the Secretary of State or Local Education Authority (e.g. Scouts or a local sports club) may not require a licence on the basis that the children in question are performing for educational purposes.

D. What if the child is not being paid for performing?

A licence is still required even if the child is unpaid, unless the child does not have to be absent from school, and has not taken part in performances on more than 4 days in the previous 6 months. It is preferable to confirm with the relevant local authority that an exception will cover the child in this situation as it is the local authority who will be able to state with certainty whether any performances have taken place. Where a licence is not required on this basis, the restrictions relating to hours set out in the attached table still apply. Special rules apply to unpaid children under 2.

Having taken part in a performance that did not require a licence on this basis, a child may not be employed in any other form of employment the following day. Additionally, a child may not take part in a licensed performance on the same day.

Often an unpaid performance will benefit from the exception for school performances (see C above).

Please note that even if a performance does not require a licence, the restrictions on working hours outlined in part II of this note must be followed and a risk assessment should be carried out as required by the Management of Health and Safety at Work Regulations 1992 (please see later).

E. What if the child(ren) are engaged through their drama school?

The same restrictions apply, but the school may have block booked licences. Speak to the teacher responsible for the children involved.

F. Who makes the application?

Whoever will be engaging the children. In most cases, it will be the producer who should make the application. The parent or guardian of the child should also complete the form.

G. To which licensing authority must the application be submitted?

An application is made to the Local Education Authority for the area in which the child resides, regardless of where the filming takes place. If a child attends boarding school, the relevant licensing authority will be the Local Education Authority where the child's parents live.

Where the performance is taking place in a different Local Education Authority area, the original licensing authority will pass over information and administrative responsibility to the authority in which the performance is taking place.

Please also note that an application still needs to be made even during periods of school holidays.

H. When must the application be made?

At least 21 days before the performance. However some licensing authorities take a very long time to process applications. PACT recommends that you submit the application as soon as possible as the Regulations do give the local authority power to refuse to grant a licence if the application is not received 21 days before the performance. If you need a licence in less than 21 days you will have to ask the local authority whether they would be able to process the application within this time.

I. What about filming children overseas?

All children under the age of 18 need a licence to perform in productions overseas. An application must be made to the local magistrates for the area in which the child resides who may impose conditions upon the issue of the licence. The licence will last a maximum of 3 months. You will be required to provide copies of the proposed particulars of the engagement and contract documentation. A fee may be payable - check with the magistrates' clerk.

At least 7 days before applying for a licence you must give notice to the Chief Constable for the district in which the child or young person lives.

Care must also be taken to adhere to any special requirements for medical examinations, vaccinations and injections required for foreign travel.

If you are engaging a child to work abroad, PACT'S advice is to contact the local magistrates (please note that Bow Street magistrates have the most experience of dealing with these issues) and the Local Education Authority where the child resides as soon as possible.

J. What if the child is resident overseas?

Even though a child from another country may have received a licence from the country where he or she is resident, an application for a licence still needs to be made with the local authority where filming is to take place.

K. Are there any restrictions on the number of days a child may work in a year?

Previously, a Local Licensing Authority could not grant an application for a licence where a child had already participated in performances on a given number of days in the preceding 12 month period.

In **England**, it is no longer mandatory for a Local Licensing Authority to refuse to grant a licence in this situation. The number of recent performances in which a child has taken part will be a relevant factor to be considered by the authority when deciding whether or not to licence the particular performance, but it is no longer mandatory for the authority to reject the application.

The Regulations have not as yet been amended in Scotland and Wales.

In Scotland and Wales, the rule remains that a **child over 13** will not be licensed where he or she has already taken part in performances on **80 days** during 12 months preceding the final day's performance in the applicant producer's production. For a **child aged between 5 and 13**, the limit is performances on **40 days**. Exceptionally, a further 10 days may be permitted so that a film may be completed. Rehearsal days are not included in calculating the number of days.

Remember that the relevant licensing authority is where the child resides and not where the performance is

taking place. Prior to booking a child performer who lives in Scotland or Wales, check the number of previous engagements undertaken during the previous 12 months. Obtain written confirmation from the child's parent, guardian or agent, as appropriate.

The PACT model form of engagement for children still includes a warranty to be signed by a parent or guardian as to the number of performances that the child has already undertaken in the previous 12 months. The warranty will still be required for children resident in Scotland or Wales. Additionally, the licence application in England still requires information to be supplied concerning the number of previous performances undertaken by the child. PACT therefore recommend that the warranty be obtained wherever possible.

L. Do I have to identify specific dates on which the child will be performing?

No it may be possible to apply for an "open licence" where the child is allowed to perform on a specified number of days during a period of not more than 6 months. If the Regulations have been followed there should be no reason why another licence after 6 months should not be granted however please note that not all local authorities accept 6 month licences.

M. On what contractual basis do I engage a child?

The engagement of children under 16 is not covered by the PACT/Equity Agreements.

However, you may use the PACT model form of engagement. This should be set out on production company paper. The model form of engagement is available on the PACT section of the PACT website (www.pact.co.uk). Please note that there is no recommended rate of pay for children and that this would be the subject of individual negotiation.

N. Do I have to pay to get a child licensed?

Local Education Authorities do have the power to levy charges on a "costs recovery" basis, though most do not normally do this.

(Please note that they may however do so if a request for a licence is made under the 21 days required.) However, licensing authorities often require that the child has a medical before they issue a licence and the producer will usually have to cover the cost of the examination.

O. Who must accompany the child?

The child must be under the supervision of either his/her parent, or one of his/her teachers or a chaperone licensed by the Local Education Authority. These are the only category of persons allowed.

P. Do I need to pay children holiday pay?

In *Addison v Ashby* [2003] IRLR 211 the EAT held that a paper boy, aged 15, was not a worker entitled to claim for holiday pay under the Working Time Regulations. Young workers only get the right to paid annual leave if they are over school leaving age.

The EAT stated that children in England and Wales were covered by the Children (Protection at Work) Regulations 1998 which give young workers the right to two consecutive weeks unpaid leave.

Copies of the Children (Performances) Regulations 1968 are available for PACT members or from any HMSO Bookshop.

If you have any specific queries relating to children's licensing, please contact Barry Kimm at Pact on 0207 067 4393 (email barry@pact.co.uk).

II. REGULATORY REQUIREMENTS TO BE ADHERED TO:

1. Chaperones/Matrons

Chaperones, or matrons as they are sometimes referred to, are responsible for the children's welfare and the observation of the regulations during the filming period. He or she must be approved and licenced by the local authority and looks after the children at all times except when the child is in the charge of a teacher (when teaching or organising a school's participation) or his/her parent. A parent may only accompany their own child.

A chaperone may only be in charge of a maximum of 12 children. A tutor may also be approved to act as a chaperone but can only be in charge of a maximum of 3 children at that time.

Producers must ensure that the parent, teacher or chaperone as the case may be is familiar with and follows the Regulations. Please note that there is no central authority for chaperones and local authorities are often reluctant to get involved in the process of finding a chaperone (even though they award licences to chaperones).

2. Number of Performing Days per week

A child may perform for not more than 5 days (including rehearsal days) in any period of seven days.

Where a performance licence is granted for sixty days or more there must be a fourteen day break after eight consecutive weeks of performing.

3. Hours of Work, Rest breaks and Meal Breaks

Please see the attached table. Please note that:

1. Exceptionally, the matron may permit the working day to be exceeded by half an hour, provided that the maximum number of permitted hours in any given day is not exceeded. The welfare of the child must not be prejudiced and the conditions necessitating the performance after the latest permitted hour must have arisen in circumstances beyond the control of the licence holder.

The extension must be notified by the matron to the relevant local authority on the following day.

2. Matron may permit meals to be reduced to half an hour on location, as long as the maximum number of permitted hours is not exceeded.
3. Waiting on set does not count as rehearsal or performance time.
4. Hours of schooling can be aggregated over a period not exceeding 4 weeks providing always that not less than 6 hours education takes place in one week and not more than 5 hours takes place in any one day. Tuition must take place during permitted hours of working. In Scotland and Wales aggregation may only take place for on location schooling.
5. If a child is 13 (or 12), he/she may attend the place of rehearsal or performance for a longer period between 10:00am and 10:00pm (or between 7.00am and 7.00pm in England) as follows:
 - for 12 hours on any one day,
 - for 10 hours on any 2 days; or

- for 9 1/2 hours on any three days (8 hours in Scotland and Wales).

If he/she is not present on any other day that week and s/he has not undertaken a performance day that continues after 7:00pm (or, in Scotland and Wales 5.00pm if 12) on more than 20 days in the preceding 12 months.

6. If a child is 13 (or 12), s/he may be present on one day in any one week for 12 hours between 10:00am and 10:00pm, (or 7.00am and 7.00pm in England) IF :
 - (a) s/he does not attend the place for more than 4 hours on any other day that week; and
 - (b) if s/he does not participate in a performance or rehearsal lasting more than 2 hours on any other day that week,; and
 - (c) if s/he does not take part in a performance or rehearsal on the next day;
 - (d) if s/he has not been at the place of rehearsal or performance after 7:00pm (or in Scotland and Wales, 5.00pm if 12) on any day during the preceding 6 days.

4. Night work

Night work after midnight will not normally be permitted. A special application for permission to film scenes at night must be submitted with the original application but if these scenes can be filmed at another earlier time, a local authority will probably insist that they are.

A licensing authority may permit a child to work after the latest time permitted for a child of his or her age provide that:

- (1) The daily hours of working and rehearsal permitted each day are not exceeded (the hours after midnight are counted as part of the previous day's performing time);
- (2) Following the night work, the child has at least 16 hours break before working again; and
- (3) Having worked after the latest permitted hour on 2 successive days, no further performance after the latest permitted hour is allowed during the next seven days.

5. Health and Safety

No child may take part in a performance where life or limb are endangered – if a person permits a child to take part in a dangerous performance they could be fined up to £1000. Only those aged at least 16 and who are also over compulsory school age may take part in performances of a dangerous nature. Children over 12 may be trained under a licence granted by a Magistrates Court.

Under the Management of Health and Safety at Work Regulations 1992, an employer of a child must carry out a risk assessment before the child starts work. This must take into account:

- (a) the inexperience, lack of awareness of risks and immaturity of children – especially where the child has a disability or special educational needs;
- (b) the layout of the area where the child will work, the type of equipment they may use and the way in which they are handled;
- (c) the tasks performed; and
- (d) the extent of the health and safety training provided.

There is a requirement to tell them and their parents about the risks to their health and safety identified by the assessment and measures put in place to control these risks.

Employers must be alert to the fact that children may become tired and stressed from travelling to the place of performance or from having to perform in certain situations.

6. Travelling Arrangements

The licence holder must ensure that safe and suitable travel arrangements are made for the child to get to his home or other destination after the last performance.

7. Lodgings, Hotels, Place of Performance and Location Arrangements

Must be approved by the local authority in whose area filming takes place.

8. Education

Whether or not a tutor is required will depend on the circumstances of the case. Permission for a child to be absent from school can only be given for licensed performances.

An application for a licence needs to include details of whether a tutor is being supplied. Private tuition is considered essential for long engagements, especially those involving groups of children. The application will be sent by the authority to the child's headteacher for approval. If the headteacher is not satisfied as to any educational provision made, he or she will raise this with the Local Licensing Authority and the licence will be refused. PACT'S advice is to contact the headteacher before hand and discuss whether or not it is necessary to provide tuition on set.

A licence will only be granted if an authority is satisfied that the educational requirements of a child will not suffer as a result of the participation.

The Local Licensing Authority will approve the arrangements made for the education for the children during the currency of the licence and the location where the teaching is to take place. In particular, the authority will satisfy itself as to :-

- (i) the nature of the course of study to be undertaken;
- (ii) the standard of the teaching to be provided and the suitability of the teacher in question;
- (iii) that the teacher will not teach more than 6 children at any time unless the children are of the same educational standard, in which case the teacher may teach a maximum 12 children at one time.

The standard rule is that the child must have 3 hours tuition on every school day, in periods of not less than 30 minutes. Where on location recording exceeds one week, alternative arrangements for schooling may be acceptable.

9. Earnings

The licensing authority may impose safeguards covering the child's earnings.

10. Medical Examinations

A medical examination is usually required before a licence will be granted. Check with the licensing authority if an examination will be necessary but will generally not be needed for open licences for less than 6 days in a 6 month

period. Confirm with the parent or guardian when the child last had a medical examination – if this took place in the previous six months, it may be sufficient.

A further examination is required upon completion of four weeks filming.

11. Record Keeping Requirements

The following records must be kept for 6 months after the last performance:

- (1) The licence (which should be available for inspection on set).
- (2) The following particulars of each day (or night) on which the child is present at the place of performance:
 - (i) the date;
 - (ii) the time of arrival at the place of performance;
 - (iii) the time of departure from the place of performance;
 - (iv) the times of each period during which the child took part in a performance or rehearsal;
 - (v) the time of each rest interval;
 - (vi) the time of each meal interval; and
 - (v) the time of any night work authorised by the local authority.
- (3) Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
- (4) Details of injuries and illnesses (if any) suffered by the child at the place of performance, including the dates on which the injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance.
- (5) The dates of medical examinations (if any) of the child.
- (6) The dates of any breaks in the performances.
- (7) The amount of all fees earned by the child for the performance in the film and the names and addresses and description of the persons to whom the fees are paid.

Where the Local Licensing Authority grant a licence subject to the condition that fees earned by the child shall be dealt with in a manner approved by them, then the amounts of the fees and the exact manner in which they have been disposed must be recorded.

12. Enforcement

An authorised officer of the Local Licensing Authority can enter any place for where a licence has been issued to make enquiries about a child whom is the subject of licence.

In addition they can enter any film or TV studio where a programme is being made to make enquiries about ANY child taking part in a performance.

HOURS OF WORK, REST AND MEAL BREAKS - SCOTLAND			
AGE	13 - 16	5 - 12	UNDER 5
Maximum number of hours at the place of rehearsal or performance	8 hours	7.5 hours	5 hours
Hours	9:00am – 7:00pm May start at 8:30am, if the child left by 6:30pm the day before.	9:00am – 4:30pm If the child is 10 or over, the day may finish at 5:00pm	9:30am – 4:30pm
Maximum period of continuous rehearsal or performance	1 hour	45 minutes	30 minutes
Maximum number of hours for the entire performance or rehearsal	3.5 hours	3 hours	2 hours
Rest and meal breaks	If present for 4 consecutive hours (including presence for educational purposes whether or not tuition takes place at place of performance): 2 breaks, one meal break for at least an hour, the other breaks at least 15 minutes	If present for more than 3.5 consecutive hours (including presence for educational purposes whether or not tuition takes place at place of performance): 2 breaks, one meal break for at least an hour, the other breaks at least 15 minutes	Any time not used for work must be used for meals or rest.
	If present for 8 consecutive hours: 3 breaks, 2 must be meal breaks of at least an hour each, the others at least 15 minutes	If present for 8 consecutive hours: 3 breaks, 2 must be meal breaks of at least an hour each, the others at least 15 minutes	N/A
Education hours	3	3	NIL

HOURS OF WORK, REST AND MEAL BREAKS – ENGLAND AND WALES			
AGE	13 - 16	5 - 12	UNDER 5
Maximum number of hours at the place of rehearsal or performance	9 ¹ / ₂ hours	7.5 hours	5 hours
Hours	7:00am – 7:00pm	9:00am – 4:30pm	9:30am – 4:30pm
Maximum period of continuous rehearsal or performance	1 hour	45 minutes	30 minutes
Maximum number of hours for the entire performance or rehearsal	4 hours	3 hours	2 hours
Rest and meal breaks	If present for 4 consecutive hours (including presence for educational purposes whether or not tuition takes place at place of performance): 2 breaks, one meal break for at least an hour, the other breaks at least 15 minutes	If present for more than 3.5 consecutive hours (including presence for educational purposes whether or not tuition takes place at place of performance): 2 breaks, one meal break for at least an hour, the other breaks at least 15 minutes	Any time not used for work must be used for meals or rest.
	If present for 8 consecutive hours: 3 breaks, 2 must be meal breaks of at least an hour each, the others at least 15 minutes	If present for 8 consecutive hours: 3 breaks, 2 must be meal breaks of at least an hour each, the others at least 15 minutes	N/A
Education hours	3	3	NIL