

My Dance Show - Do I need a Chaperone Licence?

As dance teachers and dance school owners we all know that show time as well as being one of the most rewarding times for our pupils can be one of the busiest and most challenging times for us as teachers. When someone throws additional paperwork and regulations into an already bubbling mix of late - night costume altering, music editing, risk assessments and glitter, it can quickly start to feel overly complicated. When ploughing through the paperwork it is important to remember that the paperwork is just a small step in keeping our precious pupils safe.

The law regarding chaperone licences is principally about safeguarding. It is to ensure that children working within our profession are both supported to gain invaluable performance experience and are safeguarded when doing this. Safeguarding Children is defined as "The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully." (DCSF:2010).

The law regarding performance and chaperone licensing is the framework which allows thousands of child performers each year to take part in performance work whilst ensuring they are protected, educated and effectively supported. Child performance is an integral part of our profession; after all what would "Matilda" be without the "revolting children" !

It is clear to us as teachers and studio owners that we must advocate on behalf of our pupils and demonstrate to them that their wellbeing is our central concern. As their role models we demonstrate that such performance opportunities exist to promote their wellbeing and enhance their life skills. We do this through adherence to the law and through robust safeguarding practices.

However which law we must follow, which forms we must fill, and who we should contact can often feel confusing - especially when we feel we get different information from everyone we ask. By being aware of the law we can mitigate most of this confusion.

Firstly, when considering the procedures you should follow for your performance, it is important to consider whether the children you are working with are 'child performers'. The law and regulations provide the framework to help us determine this.

Four important questions that provide general guidance are:

- Is the child having time off school?
- Is the child being paid?
- Is the performance being broadcast?
- Will the child have performed for 5 days or more in a six month period?

If the answer to any of these questions is yes, this is a 'child performer' and they will require a licensed chaperone and performance licence. It is important to remember that 'school' performances do not count. The word school here takes it's meaning from the relevant Education Acts and so includes performing arts schools where a child also receives their main education.

All local Authorities provide chaperone licences in line with the law. Their process for doing so may differ slightly, but most require two references and a short interview with the chaperone. All chaperones must have appropriate experience of working with children, a DBS check and safeguarding knowledge/ training. Many local authorities will process chaperone licences for an admin fee. Dance schools may also incur additional charges relating to the need for safeguarding training and DBS checks. Details on obtaining a DBS, fee structures and how to apply to check the DBS check of a potential employee can be found at www.gov.uk/government/organisations/disclosure-and-barring-service. LA's require application for performance licences 21 days before they are required and will require supporting information from you on the nature of the performance and risk assessment to enable them to grant the licence.

There may be an additional LA charge if the DBS is processed via the LA. Most Local Authorities also charge for safeguarding training. It can be helpful to talk with parents and carers at your school who are already employed by the Local Authority; social workers, teachers, teaching assistants and foster carers should already have enhanced DBS checks and safeguarding training and if they are willing to become chaperones for your performances this can often speed up processing and cut down on costs.

Where a child requires a chaperone this role is to ensure the child's needs are met whilst they are working; a chaperone looks after the child's health, comfort and moral welfare and ensures kind treatment. Chaperones can either be that child's parent, or teacher or a LA licensed chaperone. Chaperones must be on a 12-1 ratio (maximum) and when deciding who to employ as a chaperone attention must be paid to a child's age and sex.

For many of us our pupils will not meet the definition of 'child performer'. This means they do not need a licensed chaperone and you can apply to your Local Authority for an exemption from the required performance licence. It is usually the Local Authority Education Welfare department who will deal with both the provision of performance licences and agree the exemptions.

In circumstances where you have 'reasonable grounds to believe' a child is not a child performer your LA will ask you to make a Body of Persons Application.

The Body of Persons Application process is simple but will require you to provide a medical questionnaire for each child. Most Local Authorities require 21-28 days to process a BOPA and the medical questionnaires are required to support this application. It is important to get the questionnaires to all your parents/ guardians well in advance. (In my experience it is collecting the questionnaires in good time which is the most challenging part of this process.) Questionnaires will be provided for you by your Local Authority, usually via the Education Welfare team. In support of your BOPA you will be asked to provide a copy of your safeguarding policy along with details of the children taking part.

Where you need to make a BOPA application you will of course still have children back stage who need looking after. It remains the case that the people looking after the children need to be DBS checked and need an appropriate knowledge of safeguarding and working with children but with a BOPA application for an event where children are not 'child performers' they do not need to be a 'Licensed'.

Most Local Authorities provide guidance for chaperones and guidance on the regulations supporting a BOPA and these must be adhered to in order to meet our safeguarding responsibilities. The guidance will include information around how long children are able to be at the theatre. This is a sliding scale with the youngest children being there for the shortest time and needing to be home earliest. Accessing a copy of this guidance in advance from your LA will allow you to devise a running order and dress rehearsal plan which enables you to meet these regulations.

The law around licensing can feel complicated but in its most basic sense you need a BOPA if a child is not classed as a 'child performer' or a chaperone and performance licences if they are. This is usually done through the Education Welfare teams at your Local Authority who are the best people to advise if unsure. It is important to understand that BOPAS apply to your event and must be acquired from the LA where the event takes place whereas performance licences and chaperones regard the child and must be sought from the LA where the child is resident.

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