

**Manchester City Council
Report for Information**

Report to: Children and Young People Scrutiny Committee - 27 February 2018

Subject: The Employment of Children

Report of: Director of Education

Summary

This report gives an overview of:-

- The Local Authority's statutory duties in relation to child entertainment and employment
- The licence application process
- Arrangements for safeguarding children
- Numbers of licenses and work permits issued
- Challenges and risks

Recommendations

To note the report.

Wards Affected: All

Manchester Strategy outcomes	Summary of how this report aligns to the OMS
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	High profile venues and festivals in the city create opportunities for children and young people to develop their talents through the performing arts.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Young people in employment gain valuable work experience which can lead to future job opportunities. Youth employment can help to break intergenerational cycles of worklessness.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Youth employment promotes confidence, self-esteem and a sense of personal responsibility, encouraging young people to engage in positive opportunities and activities. Youth employment promotes social integration and development and offers opportunities and

	experiences outside the formal education setting. For some young people, employment can also encourage them to engage more fully with formal education and increase school attendance.
A liveable and low carbon city: a destination of choice to live, visit, work	In addition to Manchester residents, children, young people and their families from other areas come to the city for the opportunities to perform and to participate as audiences.
A connected city: world class infrastructure and connectivity to drive growth	

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Local Authority (LA) policy and practice is compliant with the following legislation :-

Children and Young Persons Act 1933

Children and Young Persons Act 1963
Children (Performance) Regulations 1968 + amendments
Management of Health & Safety at Work Regulation 1999 to HMSO
Manchester City Council Child Employment Byelaws 19th October 1998

Additionally, we take account of advice from the National Network for Children in Entertainment and Employment (NNCEE) including their website and 'A Guide to Child Performance Licensing' published jointly by the Department for Education (DFE), May 2016

1.0 Introduction

- 1.1 The licensing regulations are designed to ensure that those who employ children and those who are responsible for using children in both professional and amateur performances make suitable arrangements to safeguard them.
- 1.2 The Local Authority has statutory duties to:-
- issue licenses for children from birth to school leaving age taking part in performances, including modelling
 - issue work permits for children from the age of 13 to school leaving age
 - promote the safeguarding of children through scheduled and unannounced visits to places of employment/performances/rehearsals, follow-up of any concerns and through the provision of information and advice to organisations, employers, parents and children
 - promote the safeguarding of children through the issue of licenses and provision of training to chaperones

Delegated responsibility for the issuing of the licences was transferred to the Head of Planning, Building Control & Licensing with effect from January 2014. The safeguarding element remains with the Strategic Director of Children's Services.

1.3 Legislation

- a) Section 11 of the Children Act 2004 requires Local Authorities to make arrangements to ensure that their functions are discharged with a view to safeguarding and promoting the welfare of children. The statutory guidance for the Director of Children's Services (DCS), re-issued in 2012, states that the DCS should ensure that there are clear and effective arrangements to protect children and young people within their area from harm.
- b) Section 18 of the Children and Young Persons Act 1933 restricts the type of work children can be employed in to 'carry out to light work, which due to the nature of the tasks and the conditions is not likely to be harmful to the safety, health or development of children and is not going to be harmful to their attendance at school'. It also limits employment of children to those aged 13 or over and specifies the maximum number of hours both in term time and in the school holidays. This is the primary legislation which covers child performance, determines whether a license is required and gives LAs power of enforcement.
- c) The Children (Performances and Activities) (England) Regulations 2014 contain the legislation in relation to children participating in entertainment (theatre, television, filming, modelling and paid sporting activities). This Act replaced the previous Part 2 of the Children and Young Persons Act 1963 and the Child (Performance) Regulations 1968. The regulations specify the information and documents that applicants should provide to the LA, eg permission from the headteacher if the child needs to be absent from school, before a license can be issued and restrictions eg in respect of the number of hours and type of rehearsals and performances varying according to age. The

child should always be in the care of a parent, teacher or matron (chaperone). The licensing authority should not approve a matron unless satisfied he/she is suitable and competent to exercise proper care and control of a child. The maximum number of children who can be in the care of a matron at one time is 12.

- d) The Children (Protection at work) Regulations 1998 amend the Children and Young Persons Acts 1933 and 1963 and the Children and Young Persons (Scotland) Act 1937 in order to implement in relation to children the provisions of the 1994 EC Directive on the Protection of Young People at Work.
- e) A Health & Safety Risk Assessment should be completed for all working children under the Management of Health & Safety at Work Regulations 1999, which specifically requires employers to assess risks to employees and others arising from work activities. The employer should pay particular attention to the child's lack of experience in the workplace and notify their parent or guardian that a risk assessment has taken place.
- f) Manchester City Council (MCC) Bye Laws came into force in 1998. They set out which areas of work are prohibited for children and also which are permitted for children age 13 and over and those aged 14 and over. The byelaws also provide that within one week of employing a child the employer must apply for a permit. The LA can refuse to issue a permit if it has reasonable grounds to believe either that the child is being unlawfully employed or that his/her health, welfare or ability to take advantage of his/her education are suffering or likely to suffer as a result of the employment.

2.0 The Licence Application Process

- 2.1 All applications are made online through the City Council website. The Premises Licensing Team and the Safeguarding in Education Team then take responsibility for different aspects.
- 2.2 The Premises Licensing Team issues performance licenses and work Permits. They also issue chaperone licenses (once the Safeguarding in Education Team has carried out the necessary checks).
- 2.3 The Safeguarding in Education Team processes any requests for exemptions and Body of Persons Authorisations (BOPAs).
- 2.4 The Safeguarding in Education Team provides advice to the Premises Licensing Team if there are queries arising from any application.
- 2.5 There is no charge for licenses or work permits. However amateur chaperone applicants do pay an admin cost for their DBS check and professional chaperones pay the full cost of it.

3.0 Performance Licenses

- 3.1 Children of compulsory school age and below cannot take part in a

performance, paid sport or work as a model, when they are being paid, without a performance license. 'Performance' includes music, theatre, dance, film, radio and internet streaming.

- 3.2 Manchester children have performed in high profile TV soaps, films and West End shows as well as in venues such as The Bridgewater Hall, The Royal Exchange Theatre and in local amateur productions. The opportunities enable them to develop their talents and self-confidence as well as to understand the world of work.
- 3.3 There has also been an increasing number of children carrying out modelling assignments as a number of photographic studios are based in the city.
- 3.4 The applicant is the person responsible for the performance. Relevant documents must be provided which include evidence of child's ID, parent's declaration and permission for absence from school if applicable. Full details of the production and venue are required, together with chaperone arrangements and a declaration that the applicant is aware of the legislation, has a child protection policy in place and has completed any necessary risk assessment.
- 3.5 Under the legislation, applications should be sent at least 21 days prior to the performance. Many arrive after this deadline. However the Premises Licensing Team make every effort to process them if at all possible.
- 3.6 Copies of the license are sent to the applicant, to the parents and to the LA where the performance will be taking place.
- 3.7 Licenses are not required for productions organised by a school, performances during community festivals or where the child is not being 'directed'; e.g. in observational documentaries, daily news reporting or being interviewed as a member of the public, etc.
- 3.8 The number of performance licenses is increasing year on year, exceeding 500 in 2017. The vast majority of licenses are issued for filming and modelling work, with some children issued with several over the year.

	2015	2016	2017
Total Licences Issued	334	418	570
Number of children	232	278	359
Male	186	201	256
Female	148	217	314

Breakdown of Total Licences by Type

	2015	2016	2017
Total Licences Issued	334	418	570
Filming	158	183	338
Modelling	106	175	106
Theatrical	60	58	121
Radio	-	1	2
Other	10	1	3

4.0 Work Permits

- 4.1 Getting a job is a valuable experience for children and young people and promotes independence and confidence but must be done safely.
- 4.2 Children under the age of 13 are not allowed to work in any regular paid employment. They will need a work permit from their 13th birthday until the end of their compulsory education on the 3rd Thursday of June, Year 11.
- 4.3 The type of work is restricted by the legislation and also by MCC Bylaws. For example, it is not permitted that children work in a butcher's shop or serve alcohol and the permitted hours of work are determined by the child's age.
- 4.4 Employers are responsible for applying for work permits for any children they employ. Relevant documents must be provided which include parent's permission. Full details of the work must be provided, together with a declaration that the applicant is aware of the legislation, has a child protection policy in place and has completed any risk assessment.
- 4.5 The majority of work permits issued by the LA are for newspaper delivery. Additionally there are a small number for shop work, office work, waiting on tables and supporting at after-school clubs.
- 4.6 In contrast to performance licenses, the overall numbers of permits issued is very low and has declined over the past 3 years.

2015	2016	2017
35	31	25

5.0 Exemptions or 'License Free Days'

- 5.1 There are rare circumstances where applicants can apply for an exemption from performance licensing. These are processed by the Safeguarding in Education Team. A total of 7 was issued in 2017.

6.0 Body of Persons Approval (BOPA)

- 6.1 A BOPA can be granted to an organisation provided that there is no payment

made for the child to take part and that they are not missing school.

- 6.2 They can be issued to both amateur and professional organisations, from amateur theatre/dance schools to concert hall choirs and orchestras and often involve large numbers of children from a range of different LAs. In 2017, there were children from over 20 LAs, ranging from Greater Manchester, to Bradford, Wales and Gloucester.
- 6.3 They have to meet certain criteria and to demonstrate that they have robust safeguarding policies and arrangements in place to protect children.
- 6.4 The LA (Safeguarding in Education Team) is responsible for processing all BOPA applications for performances taking place in the city, regardless of where the children are resident.
- 6.5 Numbers have been increasing over the past 3 years.

	2015	2016	2017
Total BOPAs Issued	25	15	33

- 6.6 Numbers of children covered by each BOPA range from 20 to 240. The total children covered during 2017 was more than 2000.

7.0 Chaperone Licenses

- 7.1 The chaperone has a statutory role to have care and control of a child and to safeguard, support and promote the wellbeing of a child whilst they are taking part in an activity, performance or rehearsal during the time that a license applies. In some cases the parent of the child can act as a chaperone, but they are not permitted to take care of any children other than their own.
- 7.2 The LA maintains a register of chaperones who have been approved.
- 7.3 The Safeguarding in Education Team is responsible for making checks on applicants. These include ensuring they have a recent DBS certificate, character references and a check if known to Social Care.
- 7.4 If all checks are satisfactory, the Premises Licensing Team then issue the license.
- 7.5 Licenses can be issued, either to work on a professional basis or on an amateur basis. The vast majority of the latter are parents providing support to amateur dance shows or plays.
- 7.6 Licenses are issued for 3 years. Whilst some professional chaperones have been on the LA Register for a number of years, there is high mobility amongst those working on an amateur basis.

Current Professional Chaperone Licenses Issued	30
Current Amateur Chaperone Licenses Issued	107
Applications currently in process	31
Licenses expired since 2015	50

7.7 A condition of the license being granted is that applicants participate in a day's safeguarding training which also focuses on the specific chaperone role.

8.0 Arrangements for Safeguarding Children

8.1 The Safeguarding in Education Team carries out the safeguarding functions around performance licenses including:-

- Liaison with the Licensing Team to deal with any problems around applications and to ensure that licenses are not issued if a child's education might suffer.
- Checks on venues to ensure they are suitable for children
- Liaison with other LAs when notifications are received of non-Manchester children performing in the city. There are increasingly high numbers of non-MCC licenses with more than 700 in 2017. As with BOPAs, children come from a wide range of LAs from across the United Kingdom.
- Safeguarding visits to MCC locations where we have been informed that children are performing to ensure that legislation is complied with. This includes both Manchester and non-Manchester children.
- Safeguarding visits to all employers who have received a work permit to ensure that the regulations are being complied with.
- The team routinely speak to children on the visits, in addition to the organiser/employer and chaperone/parent if applicable.

8.2 The team provide information and support to organisations if required e.g. advice to support the development of relevant policies and risk assessments.

8.3 The team has a programme of annual visits to organisations where children regularly perform to ensure that their safeguarding policies are up to date and that they review their arrangements as needed.

8.4 The team undertake investigations and prosecutions where necessary.

8.5 The team also works to raise awareness of the legislation with potential employers, relevant organisations and schools. The annual NNCEE designated Child Employment Fortnight is held in April. Resources, including leaflets for children and parents and ideas for assemblies and workshops are

sent to high schools. Information is sent out through organisations such as the Chamber of Commerce and Manchester Markets. Team members also provide information to shops and small businesses in locations such as the Wythenshawe Forum, the Arndale Centre and high streets.

- 8.6 In partnership with Salford and Trafford, the team developed a full day training module for chaperones, which must be completed as part of the application process. This has been jointly delivered for chaperones from the three LAs for the past for 3 years. More GM teams, including Rochdale and Oldham are also now involved.

9.0 Challenges

There are a number of ongoing challenges in relation to this area of work. These include:

- A lack of understanding of child protection policies/procedures and risk assessments in a small number of businesses and organisations e.g. new photographic studios and some performance venues and there is a risk that children's welfare may not always have been fully considered, even when the organisers have applied for performance licenses.
- Some organisations run events without having considered the legislation around child employment and entertainment and the need for safeguards, including licenses and chaperones.
- The low numbers of work permits is not a true reflection of the numbers of children employed in the city and there is therefore a concern that children may be working illegally.

10.0 Next Steps

In order to address these challenges the following actions have been identified.

- Continue joint working with relevant MCC departments, including Neighbourhoods, the Economic Development Unit, Manchester Markets, the Youth Team, the Youth Forum, Education and Employment & Skills leads to promote awareness of child employment legislation and the risks that children may be employed illegally in the city eg through the national Child Employment Week in April 2018.
- The importance of safeguarding children will be embedded in the new strategy for the Night Time Economy.
- Continue working with schools and the Youth Sector to ensure that they have up-to-date information and resources to raise awareness of the legislation with KS3 and 4 pupils and their parents.
- Review the administrative arrangements around the processing of BOPAs and acting on notifications from other LAs to ensure increased efficiency.