

Getting it right for young performers: Consultation on the arrangements for ensuring the wellbeing of children involved in performances – April 2014



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Barnardo's Scotland

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Mark

Forename

Ballard

2. Postal Address

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

In analysing your response, it would be helpful to know your background. Which of the following best describes you/your organisation for the purpose of this consultation (please select one):

- Local Authority
- Other public body
- Representative body
- Organisation overseeing broadcast performances
- Organisation hosting non-broadcast performances
- Children's organisation
- Educational body/ school
- Voluntary/ third sector
- Member of public
- Parent
- Other (Please specify below)

Identifying those performances which require a licence (page 7 of the consultation document)

1) Do you agree as outlined that national guidance is required to clarify what is meant by the term 'performance' for the purposes of the licensing arrangements?

Yes No

Barnardo's Scotland has welcomed the opportunity to be part of the national working group to develop guidance for children involved in performances. We agree that national guidance would help to clarify what is meant by a performance however it would be advantageous to have greater clarity around its definition. There is a danger that the proposed definition of 'dramatic role' or 'dramatic effect' may cause another layer of definitional confusion. Perhaps a definition that involves specific examples reflective of current times i.e. constructed reality versus observational documentaries etc.

Applying for a licence (pages 8 – 10)

2) Do you agree that a licence should continue to be required for each performance a child is involved in?

Yes No

Yes all performances are different and what is required from a young person during each performance will be different. Each licence for an individual performance should include a risk assessment which indicates the specific needs of the young person for that specific performance. Additionally, by continuing to have the exemptions to licences such as the 3 day rule and body of persons approval along with a synchronising of the licensing arrangements, the measures are proportional.

3) Do you agree that all licence applications should be submitted to the licensing authority no less than 21 days in advance of the performance?

Yes No

Yes, the timescales are adequate, licensing authorities need to have enough time between receiving the application and the performance in order to carry out necessary checks and make informed decisions regarding approval of licences.

4) Do you agree to the development of a new standard application form including the following information (outlined at page 9) :

- Name, address and date of birth of the child;
- The name, nature and place of performance;
- Start and end date of performance and number of days on which the child will be performing;
- Details of any health conditions which may impact the child's ability to participate in the performance; and
- Details of the individual who will be taking on the role of chaperone to the child for the duration of the performance.

Yes No

Broadly speaking yes. However we think it may be helpful to replace 'start and end date of performance' with 'start **and or** end date of performance' in order to give flexibility to performances which may be delayed or go on for longer than expected. However the number of days on which the child will be performing should remain unchanged. An additional piece of (non mandatory) information could be 'other performances (if known)' in order to take into consideration other unlicensed activities a child may be taking part in or performing in at the same time such as amateur dramatics. If there are other known performances going on this could form part of the risk assessment for the licence so the full hours a young person is performing, both licensed and unlicensed are taken into account.

5) Do you agree that, alongside an application form, the organisation hosting the performance should provide the following additional information?

- A completed risk assessment based on an agreed national model;
- Relevant information from the child's Named Person where there are known risks to wellbeing; and

Yes No

Yes, a child's Named Person should be required to share information with the relevant organisation if there are factors which may result in a risk to the child's wellbeing. Information sharing should be relevant and proportionate in accordance with the Data Protection Act and the principles of GIRFEC which promote information sharing at an earlier stage in order to prevent the risk of harm. More broadly speaking the process of gathering information and completing a risk assessment should be relatively simple and not overly bureaucratic as this may put smaller companies off due to being overwhelmed by paperwork etc. There must be a measured response to risk assessments based on the needs, age and stage of the young person.

Education (pages 11 & 12)

6) Where a child is required to be absent less than 5 school days over the course of a performance, do you agree that the organisation hosting the performance should be required to agree a course of study with the local authority in dialogue with the child's teacher (or, where a child is home educated, agreed with the parents)?

Yes No

There are many opportunities for learning that will support the curriculum for excellence – by being creative and imaginative a school could support a young person to make the most of this experience. Article 29 of the UNCRC states that *'education shall be directed to the development of a child's personality, talents and mental and physical abilities to their fullest potential'* Cognisance should be taken of this article when developing educational programmes for children involved in performances. A child centred approach should be taken and as highlighted in the Together (Scottish Alliance for Children's Rights) response, children should be consulted during the process and the course of study decided upon should reflect the individual needs of that child.

7) Where a child is required to be absent more than 5 school days over the course of the performance, do you agree with the proposals where the organisation hosting the performance agree a course of study with the licensing authority (in dialogue with the child's teacher) and must make arrangements for the provision of a private tutor?

Yes No

We agree with standard of tutor being registered with GTCS

8) Do you agree that a child involved in a performance should receive no less than 3 hours and no more than 5 hours of education for each school day?

Yes No

Comments

9) Do you agree that if the child is involved in a broadcast performance or requires to be on location for a period of more than one week then they can receive less than 3 hours of education each day as long as it is made up on another day in a four week period?

Yes No

Yes, however this still should not be over the 5 hours a day specified in question 8, it should be made explicit that block sessions over 5 hours are not appropriate and education sessions must not be run back to back in order to make up for lost time. The young person must be at the centre of the process regardless of the pressure on the production company to meet deadlines and keep to timescales. The age, needs and abilities of the young person must form the basis for their education whilst making sure the best interests of the child are paramount, and their views are taken into account (UNCRC, articles 3 & 12). Some young people may be able to sit for 5 hours and get the best out of a session, and others may not. A five year old is going to need a differently tailored educational approach to a 14 year old. The accumulation of hours for education must also recognise the need to safeguard necessary time off for the children involved in the performance and where possible maximise this to allow them time with their friends and families i.e. time off at weekends rather than school day if possible.

10) Do you agree that periods of education lasting less than half an hour should not count towards these totals?

Yes No

Yes, periods of education and learning should be at least an hour in order for the child to get the most out of the session.

11) Do you agree that any education must be delivered within the working hour limits for children involved in performances?

Yes No

Yes, children involved in performances should receive an appropriate amount of time to relax and recuperate where they are not required to be working or studying towards their education. Summer holidays, and other extended holiday periods should also be considered by the licensing authority. A young person might be away every summer working on a licensed production but not miss out on any education. However they may well be missing out on other things young people do such as playing with friends, socialising etc. which may impact on them when they return to school.

12) Do you agree that no more than 5 children can be taught by a private tutor at any time?

Yes No

Yes but this number should be flexible, the ratio of young people to tutors must reflect the age and stage of the young people. What level of education are they at? how old are they? Do they have important exams coming up? Do any of them have additional support needs which will need specialist support? It would probably not be appropriate for example to have four 5 year olds being tutored with a 15 year old who is studying for their Highers. These are all things that need to be taken into account alongside numbers when looking at private tutoring.

Chaperones (13 & 14)

13) Do you agree that chaperones should be allowed to support a maximum of ten children at any time or a maximum of three where they are also taking on the role of private tutor?

Yes No

In principle yes, however the age and stage of the young person needs to be taken into account. See question 12.

14) Do you agree to the suggestion that licensing authorities introduce an administrative "registration system" for all chaperones (excluding parents who take on the role in respect of their own child)?

Yes No

We agree with the principle of this however we are currently lacking the detail of who would administrate this system in practice and how consistency of registration would be achieved and maintained across all licensing authorities – the provision of a national toolkit would support consistency however licensing authorities may already be feeling overburdened.

15) Do you agree that chaperones should be required to engage in a 'professional update' every 3 years as part of their registration (which will require evidence of their continued suitability)?

Yes No

Yes, but clarity will be needed on how this will be implemented and how practical it is, will local authorities have the capacity to carry out these updates every 3 years bearing in mind the continuing financial pressures on them?

16) Do you agree with the core sets of competencies required for chaperones as outlined at pages 13 and 14?

Yes No

They could be expanded to include SHANARRI wellbeing indicators to draw the competencies in line with GIRFEC. We also feel that it is important to include something in the competencies around whistle blowing in order to show chaperones that there is mechanism for escalating internal problems which may arise and having the confidence to go external if sufficiently concerned by the response/ lack of response of the production company.

Working limits (pages 15 & 16)

17) Do you agree that any child up to school leaving age should be able to work for a maximum of 80 days in a year (with the ability to extend on occasion)?

Yes No

Whilst we appreciate the move to remove confusion by putting all ages of children in one category for the purposes of maximum working days, there needs to be a common sense approach taken. Decisions for how many days are allowed in each individual licence should be based on a thorough risk assessment of the young person, taking into account their age and stage and wellbeing. As already mentioned, performances which are not licensed should also be taken into account such as amateur dramatics or sports which may be taking up a lot of the young persons time in the evening but not be accounted for in the 80 days maximum for working. This is also highlighted in Together's response, they state that *'recognising that children with talents in competitive sports, games, performing arts and so forth taking part in performances can be at the expense of their overall physical and mental development'*

18) Do you agree that a child should be allowed to work a maximum of 5 days in a 7 day period (with a limited ability to extend on occasion) as set out at page 15?

Yes No

We feel the table could be slightly clearer in order to explain the intention of the 'roll over' and the intention to not constrain working days by days of the week.

19) Do you agree with the proposed latest and earliest hours of attendance, maximum duration of attendance and performance per day and minimum break requirements based on a child's age as set out in the table at page 16?

Yes No

Again a common sense approach must be taken in relation to the individual age and stage of development of the young person. This should be considered in any risk assessment and also have an element of flexibility in terms of how early and how late young people are allowed to work.

20) Do you feel that separate restrictions should apply to children aged 5–8 and those aged 8–10, recognising the increased resilience of older children? Please provide an explanation for your response.

Yes No

Whilst we recognise that there must be some differentiation between the ages of young people when looking at restrictions we do not believe that the 'resilience of older children' is an appropriate indicator. Older children are not necessarily more resilient than younger children, decisions should be based on a clear assessment of wellbeing and the particular stage that young person is at in their life.

Please return your response by email to Katherine.Shippin@scotland.gsi.gov.uk or in hard copy to the following address:

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