

National Youth Theatre of Great Britain

Safeguarding
Policy and
Operational
Procedures

2016

NATIONAL YOUTH THEATRE OF GREAT BRITAIN

SAFEGUARDING POLICY & OPERATIONAL PROCEDURES

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1. POLICY STATEMENT

National Youth Theatre of Great Britain (herein referred to as 'NYT') has a duty of care to safeguard from harm all children and young people with whom it interacts. Children and young people occupy a central place within NYT and our work. We strongly believe that all children and young people have the right to be treated fairly, justly and have the right to freedom from abuse and harm.

This policy details the legal requirements, organisational procedures and best practice as applicable to all staff. This policy applies to all NYT staff, including those who work on a volunteer and freelance basis as well as NYT's Board of Trustees.

Our policy ensures that all our staff and volunteers are carefully selected and vetted, have the relevant qualifications and experience, and accept responsibility for helping to prevent the abuse of children and young people in their care. We aim to offer comprehensive advice to NYT staff members and freelance artists with regards to legal requirements and good practice.

All suspicions and allegations of abuse and poor practice will be taken seriously and responded to swiftly and appropriately.

We have procedures in place to address poor practice, and to help any child/young person who appears to be at risk, or who appears to be a victim of abuse. We will offer help and support when a child/young person tells us that they are affected by these issues. We will work extensively with external agencies such as the NSPCC and the police to ensure as far as possible that children and young people are protected.

The terms "child", "children", "girl" and "boy" are used to refer to anyone under the age of 18. The terms "young person", "young people", "young woman" and "young man" are used to refer to anyone between the ages of 18 and 25 years.

We will not tolerate bullying. Incidents of bullying will be investigated and treated seriously. Action will be taken to stop the bullying.

| | |
|--|---|
| The CEO and Artistic Director of NYT is: | Paul Roseby |
| The Designated Safeguarding Officer is: | Anna Niland, Associate Director |
| The Designated Safeguarding Ambassador is: | Delma Walsh, Registered Psychotherapist for NYT |
| The Lead Trustee for Safeguarding: | Simon Stockill |

2. STAFF ROLES & RESPONSIBILITIES

The **Designated Safeguarding Officer** leads upon *policy development and reporting*, including:

- Reviewing and updating the organisation's safeguarding policy on an annual basis or when necessary
- Leading upon contact with Local Authority Social Services in the event that a child/young person is at risk of harm
- Managing complaints about poor practice and allegations against staff/volunteers
- Referring relevant issues of safeguarding to the Board of Trustees for consideration
- Collecting monitoring data on all safeguarding activities across the organisation
- Ensuring safer recruitment procedure and promoting safeguarding across the organisation

The **Designated Safeguarding Ambassador** leads upon *policy implementation*, including:

- Acting as a "front-line" point of contact for any persons concerned about the welfare of a child/young person
- Updating the Designated Safeguarding Officer upon any issues raised/reported in sessions

- Modelling best practice when it comes to safeguarding amongst staff/volunteers/participants
- Contributing to the review and update of the safeguarding policy and procedures
- Providing guidance to staff concerned about a child protection issue
- Keeping accurate records of concerns about children and young people and actions taken

The **Lead Trustee for Safeguarding** leads upon policy and procedure oversight, including:

- Ensuring that policy and procedures are fully implemented and followed by all staff
- Being kept informed of all serious safeguarding incident forms and feeding in as necessary
- Reporting to Trustees upon any observations and/or findings concerning safeguarding

All members of **staff/volunteers** have a responsibility to safeguard children and young people from harm, including:

- Being vigilant of the signs that may indicate a child/young person is experiencing harm or is at risk of harm
- Report any disclosures or concerns, as soon as possible, to the Designated Safeguarding Officer or the Designated Safeguarding Ambassador
- When taking a disclosure from a child/young person remembering not to ask any leading questions

Staff responsibilities will be detailed in all employment contracts (see section 4).

3. RECRUITMENT, SELECTION AND TRAINING OF STAFF

3.1 SAFER RECRUITMENT & SELECTION OF STAFF

Safe recruitment and selection practice is vital in safeguarding and protecting children and young people. NYT recognises and takes seriously its responsibility to adopt practice which minimises risk to the children and young people by ensuring that measures are in place through this practice to deter, reject or identify people who might abuse children and young people or who are unsuitable to work with them. The safety and well being of children and young people is borne in mind at all times throughout the recruitment and selection process. NYT has adopted the NSPCC Value Based Interview and Recruitment Policy. In accordance with this, NYT will ensure that

- Appropriate checks are carried out on new staff/volunteers
- The safety of children and young people is explicitly stated in job descriptions and person specifications
- Interviewers question and interrogate up on gaps in employment history through to the interview
- NYT carries out enhanced Disclosure and Barring Service (DBS) for relevant roles
- Whenever a new Associate Artist joins NYT, there will always be an extra associate/ assistant/ company manager in the room who has knowledge and experience of the NYT ethos and good practice
- NYT has an open door policy when rehearsing or during a development process, this means at any time a full time member of staff may enter space to observe the session. This offers transparency and an opportunity to feedback and reflect on good practice.

NYT will ensure that at least one member of any interview panel has completed the NSPCC Value Based Interview Course for Safer Recruitment. Any appointments with substantial access to children and young people will be subject to a reference form (see appendix 8).

NYT will ensure that permanent and freelance staff are carefully selected, trained and supervised to provide a safe environment for all children and young people, by observing the following principles:

Permanent staff:

- Applicants will be required to complete an application form in which they specify safeguarding training;
- Shortlisted candidates will be interviewed by a panel of at least two staff/Trustees;
- Selected candidates will be required to provide at least two written references;
- Staff will undergo any safeguarding training required and will require a probationary period.

Freelance staff:

- Persons will meet with NYT's Associate Director and NYT's Producer in advance of an employment offer;
- Where relevant written references will be obtained to confirm their suitability for working with children and young people;
- Staff will be monitored by NYT's Associate Director who will offer appropriate advice/guidance.

3.2 STAFF TRAINING

NYT have access to an online training programme in Safeguarding Young People provided by City & Guilds Kineo (www.kineo.com).

NYT training is informed by *Working Together to Safeguard Children Guidance* (2013) and is organised into different levels of knowledge and skills. The level required depends on the degree of contact that an individual has with children and young people and the role they play. Our policy details how these levels are applicable to key NYT staff members:

| Group | Applicable NYT Staff | Training Required |
|--|--|---|
| Group 1 comprises staff/volunteers with limited contact with children and young people. They have responsibility to contribute to promote the welfare of children and young people but do not have specific safeguarding organisational responsibilities. | Trustees Mentors | Half day training in Safeguarding NYT Practice with Delma Walsh and Anna Niland |
| Group 2 comprises staff/volunteers who work regularly with children and young people. These staff will have professional and/or organisational responsibility for safeguarding and promoting the welfare of children and young people. Group 2 requires the skills to respond appropriately to Group 1 staff that may approach them with concerns about the welfare of a child/young person. | Freelance staff who work regularly with young people including: Assistant Directors, Associate Artists, Company Coordinators and Company Managers. NYT office staff | Online training in Safeguarding Young Adults (City and Guilds Kineo) Plus an half day training in Safeguarding and NYT Practice with Delma Walsh and Anna Niland |
| Group 3 comprises staff who work predominantly with children and young people. They have a substantial degree of personal responsibility and autonomy to act on the welfare concerns of children and young people. | Playing up Staff Auditions and Courses Coordinator Assistant Producer | Above courses plus: Level 2(QCF) in Safeguarding and Protecting Children and Young Adults |
| Group 4 are professional advisors, named, nominated and designated officers for child protection and their deputies in all services and agencies. | Associate Director Producer CEO and Artistic Director | Above courses plus: Level 3 Certificate in Safeguarding Children and Young People |

Note: Persons in Group 3 who have completed a Level 2 Foundation course in Safeguarding and Child Protection should update their knowledge every 2-3 years with the Level 3 Refresher course in Safeguarding and Child Protection.

NYT will keep a record of all Safeguarding Training undertaken by both freelance and permanent staff and will remind them when they are due to attend further training. NYT asks all contracted staff to take responsibility for their own training and development and to seek further training as and when required.

4. IDENTIFYING & RESPONDING TO CONCERNS ABOUT A CHILD/YOUNG PERSON

At times NYT staff may have to respond to concerns about the welfare of children and young people. This could relate to the actual or alleged harm of a child/young person. Alternatively a child/young person we are working with may disclose abuse directly to you. This section provides information and guidelines on our procedures in these situations.

4.1 IDENTIFYING TYPES & INDICATORS OF ABUSE

In order to effectively protect children and young people against harm all staff should be familiar with the various types and key signs of abuse. The Government's *Working Together to Safeguard Children* (2010) details four key types of abuse:

- Physical;
- Sexual;
- Emotional;
- Neglect.

All staff are required to acquaint themselves with indicators of abuse (please see appendix 3).

4.2 RADICALISATION

NYT recognises the positive contribution it can make towards protecting children and young people from radicalisation to violent extremism. NYT will continue to empower children and young people to create communities that are resilient to extremism and support the wellbeing of particular children and young people who may be vulnerable to being drawn into violent extremism or crime. It will also continue to promote the development of spaces for free debate where shared values can be reinforced.

Radicalisation is the process by which individuals come to support terrorism or violent extremism. There is no typical profile for a person likely to become involved in extremism, or for a person who moves to adopt violence in support of their particular ideology. Although a number of possible behavioural indicators are listed below, staff should use their professional judgement and discuss with other colleagues if they have any concerns:

- Use of inappropriate language
- Possession of violent extremist literature including electronic material accessed via the internet and communication such as e-mail and text messages
- Behavioural changes
- The expression of extremist views
- Advocating violent actions and means
- Association with known extremists
- Seeking to recruit others to an extremist ideology

If staff have any significant concerns about a child/young person beginning to support terrorism and/or violent extremism, they should discuss this with the Designated Safeguarding Officer or the Designated Safeguarding Ambassador immediately.

4.3 FEMALE GENITAL MUTILATION

It is illegal in the UK to subject a child to female genital mutilation (FGM) or to take a child abroad or aid or abet someone to take a child out of the country to undergo the procedure – Female Genital Mutilation Act 2003. Despite the harm it causes, FGM practising communities consider it acceptable to protect their cultural identity. The age at which girls are subject to FGM varies greatly from shortly after birth to any time up to adulthood. The average age is thought to be 6 - 12 years but it is also thought that the age at which girls are mutilated is dropping.

Although the age of the children and young people with whom NYT engages is such that they are not necessarily in the 'high risk' category for FGM, a child/young person may disclose that she is at risk of FGM, has suffered FGM or that she has a sister or family member who is at risk of mutilation.

Staff should be alert to the following indicators:

- The family comes from a community that is known to practise FGM
- A child/young person may talk about a long holiday to a country where the practice is prevalent
- A child/young person may confide that she or a sister or family member is to have a 'special procedure' or to attend a special occasion
- A child/young person may request help from a teacher or another adult
- Any girl/young woman born to a woman who has suffered FGM or has a sister or relative who has been subjected to FGM must be considered to be at potential risk

Any information or concern about a child/young person or member of her family being at risk of FGM must be reported to the Designated Safeguarding Officer or the Designated Safeguarding Ambassador as matter of urgency. This may be treated as an immediate child protection referral to the child/young person's home borough. As a National Organisation NYT recognise that before working in any particular area of the country, connection will be made with all the relevant support agencies and providers and this will all be available to both the children and young people and the staff before any rehearsals/ work begins.

4.4 HEARING A DISCLOSURE

If a child/young person says or indicates that he or she is being abused, or information is obtained which gives concern that a child/young person is being abused, you should follow the below guidance:

RECEIVE:

- Listen to what is being said, without displaying shock or disbelief.
- Accept what is said and react calmly so as not to frighten the child/young person.
- Make a note of what has been said as soon as practicable.

REASSURE:

- Reassure the child/young person, but only so far as is honest and reliable.
- Tell the child/young person they are not to blame and that it was right to tell; I am glad you came to me.
- It is important that you do not promise to keep it a secret as your professional responsibilities may require you to report the matter. If you make this promise to a child/young person and then break it, you confirm to the child/young person yet again that adults are not to be trusted.

REACT:

- React to the child/young person only as far as is necessary for you to establish whether or not you need to refer this matter, but do not interrogate for full details.
- Take what the child/young person says seriously, recognising the difficulties inherent in interpreting what is said by a child/young person who has a speech disability and/or differences in language;

- Do not ask 'leading' questions, for example 'what did he do next?' (This assumes he did!), or 'did he touch your private parts?' Such questions may invalidate your evidence (and that of the child/young person) in any later prosecution in court.
- Explain what you have to do next and whom you have to talk to.

RECORD:

- Make some brief notes at the time on any paper which comes to hand.
- Do not destroy your original notes in case they are required by a court.
- Record the date, time, place, persons present and any noticeable non-verbal behaviour.
- Be specific when noting the words used by the child/young person.

REMEMBER:

- To share your concerns with the Designated Safeguarding Officer or the Designated Safeguarding Ambassador who will may take the matter forward.

4.5 REPORTING ALLEGATIONS, SUSPICIONS OR CONCERNS

It is not the responsibility of anyone working at NYT to decide whether or not a child/young person is being abused or might be abused. However, there is a responsibility to act on concerns to protect children and young people in order that appropriate agencies can then make enquiries and take any necessary action to protect the child/person.

If you become aware of any issue or complaint relating to the welfare or wellbeing of children and young people then you should raise these with the Designated Safeguarding Officer or the Designated Safeguarding Ambassador who will be responsible for documenting your concern on an Incident Report Form (see appendix 4). All concerns will be considered and a decision reached as to whether the concern should be referred to Social Services.

All Incident Report Forms are securely stored in a restricted and protected folder on the NYT server. When an Incident Report Form is archived in this folder a note will be made on NYT's Participant Safeguarding Tracker. The note will provide basic details about the incident and a reference to the location of the Incident Report Form.

4.6 MAKING A REFERRAL TO SOCIAL SERVICES

If a decision is made to raise a concern with Social Services it will be the responsibility of the Designated Safeguarding Officer to formally report this concern. If, for any reason, the Designated Safeguarding Officer is unable to lead on this process then the Designated Safeguarding Ambassador will make the referral. Referrals should be made to:

**NSPCC Helpline
0808 800 5000**

NYT will make all referrals within 24 hours of a serious concern or disclosure coming to light. When a referral is made, NYT will record the name and role of the children and young people's services member of staff or police officer to whom the concerns were passed, together with the time and date of the call/referral.

If a concern is allayed and a decision is made not to make a referral then NYT will still be required to record details of the concern and details as to why a referral was not made. This information may become relevant later on if further concerns emerge.

5. ALLEGATIONS OF MISCONDUCT OR ABUSE BY STAFF

In the event of allegations being made against an employee (staff or voluntary), NYT has a dual responsibility in respect of both the child/young person and employee. The same person must not have responsibility for dealing with the welfare issues about children and young people and the staff employment issues.

Two separate procedures must be followed:

- I. In respect of the child/young person the Designated Safeguarding Ambassador will lead the process related to the child/young person;
- II. In respect of the staff member against whom the allegation is made the Designated Safeguarding Officer will lead the process related to the staff member.

With regards to the child/young person, the aforementioned process will be followed. With regards to the staff member against whom the allegation is made, the below process will be followed:

1. NYT will make formal contact with the NSPCC who is responsible for providing instruction in the event of an allegation of abuse or suspicious behaviour made against a staff member.
2. NYT is legally required to alert the LADO (local authority designated officer) to all cases in which it is alleged that a person who works with children and young people has:
 - a.) Behaved in a way that has harmed, or may have harmed, a child/children and/or a young person/young people;
 - b.) Possibly committed a criminal offence against a child/children and/or a young person/young people;
 - c.) Behaved towards a child in a way that indicates s/he is unsuitable for such work.
3. The LADO will instruct NYT on procedure and what information may be shared with the person who is the subject of an allegation. NYT and LADO will decide, in consultation with the Police and/or any other relevant agencies, what may be shared in situations that may possibly lead to a criminal investigation.
4. Subject to advice from the LADO, and to any consequent restrictions on the information that can be shared, NYT will, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome.

In all instances NYT will seek to ensure that any staff member is treated fairly and honestly and that they are supported to understand the concerns expressed and processes involved. They will be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process.

Contact details for Islington's LADO (the home borough of NYT's Holloway Road rehearsal rooms) are provided in appendix 1.

A flowchart for allegations against staff is provided in appendix 5.

6. COMMUNICATION WITH CHILDREN AND YOUNG PEOPLE

6.1 COMMUNICATION VIA TELEPHONE

Staff should in no circumstances make or receive calls or texts to or from children and young people using their personal mobile phones. An NYT mobile is provided for contacting children and young people. This mobile should be pin locked so that data is not accessible by others. Staff members who use the

organisation mobile should, where possible, take the call in an open environment where the conversation can be witnessed. All Assistant Directors who have pastoral responsibility for any child or young person will be given a phone to use during the time of employment.

6.2 COMMUNICATION VIA EMAIL

Staff will, on occasion, be required to email children and young people using their personal email address. In all cases staff should use formal language to avoid any misunderstanding on the part of the recipient and should be carbon copied to one of the Designated Safeguarding Officer or the Designated Safeguarding Ambassador. Staff members who have concerns regarding content of an email that they send or receive from a child/young person should consult the Designated Safeguarding Officer for guidance.

6.3 SOCIAL MEDIA

NYT recognises that social media can be a legitimate and effective way to communicate with children and young people. Current social media applications frequently used by members include Twitter, Facebook, Vine and Instagram, to name but a few. Contact with children and young people through such forums should only take place through organisational accounts. Current organisational accounts are as follows:

| <i>Application</i> | <i>Account Domain</i> | <i>Account Moderators</i> |
|---|--|---------------------------|
| Twitter | NYT_Members | Head of Communications |
| Facebook | www.facebook.com/nationalyouththeatre | Head of Communications |
| NYT Comms Facebook account | <i>To be deleted after the launch of the new NYT website</i> | Head of Communications |
| NYT Club Facebook Group | <i>To be deleted after the launch of the new NYT website</i> | Head of Communications |
| Instagram | NationalYouthTheatre | Head of Communications |

NYT staff, permanent or freelance, must not do any of the following:

- Send or accept any friend requests from NYT members on Facebook
- Request to follow NYT members on other social media platforms
- Join, accept invitations to or contribute to any groups, private or otherwise, relating to an NYT course, production or member activity on social media
- Send or respond to any private messages from an NYT member on social media

NYT does not expect its staff to protect their personal Twitter accounts (thereby making sure their tweets are only be visible to followers approved by the account holder) however it is does ask all staff to respect their association with the organisation when tweeting.

7. PHOTOGRAPHY & VIDEO

Parental/guardian consent for photography or video recording of any child is obtained through Company Enrolment forms. Photographs or videos of children and young people will be stored in a designated folder that is only accessible by designated NYT staff.

Any camera owned by the NYT and used by staff for the purpose of photographing children and young people engaged in NYT activity must have its memory wiped as soon as content has been transferred to the designated NYT folder. NYT will ensure that any professional photographers or video-makers contracted by NYT to make photos/videos of children under the age of 16 and vulnerable adults have an Enhanced Disclosure and Barring Service (DBS) check which is dated within the last 3 years, inclusive of their period of engagement. NYT will announce at all performances that "Video and photography is not permitted during the performance".

8. RESIDENTIAL & OVERNIGHT ACTIVITY

NYT's programme of work includes opportunities for children and young people to attend residential activities both in the initial NYT training course and also when performing a play with the NYT Company. The Safe Network (www.safenetwork.org.uk) advises organisations to consider the following when planning residential activities:

- Suitable travel arrangement which take due regard for passenger safety
- Duration of the journey and numbers of drivers required
- Traffic conditions, weather and insurance
- Journey and planned stopping times
- Suitability of vehicle the if the group includes disabled passengers
- Aware of travel emergency procedures
- NYT will ensure that in any residential centre with children there will be a pastoral member of staff who will also stay on site

NYT's programme of work includes opportunities for young people to attend overnight events. In such circumstances NYT will ensure that appropriate sleeping arrangements are put in place to protect children and young people. Adults should sleep in separate but nearby sleeping quarters and attention should be given to adequate provision for each gender. Separate sleeping areas need to be provided for those above and those below the age of 16. Where this is not possible, arrangements need to be made to ensure adequate separation of the age groups within the sleeping accommodation. Attention also needs to be given to safe access for the children and young people to staff and to toilet facilities during the night.

9. DISCLOSURE AND BARRING SERVICE (DBS) CHECKS

9.1 CHECK LEVELS

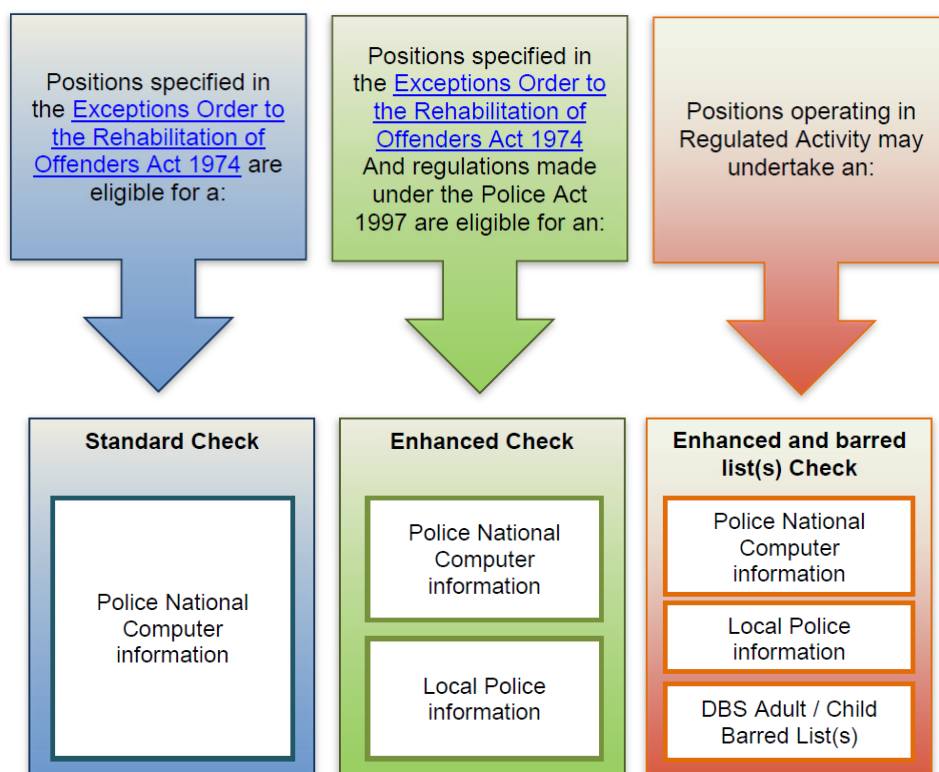
The Disclosure and Barring Service (DBS) exists to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children and young people. A DBS check forms one part of the wider safeguarding process. It helps organisations to determine whether a person is a suitable candidate for a particular role by providing information about their criminal history.

Disclosure and Barring Service (DBS) disclosures are required for any staff member (paid or unpaid) who will be working in a regulated activity. For most of the NYT's work the only relevant regulated activity is unsupervised activities with children: to teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being. This work is Regulated Activity only if done regularly or intensively, which means being carried out by the same person frequently (once and week or more often), or on 4 or more days in a 30-day period. A person who managed or supervises a regulated activity is also counted as undertaking a regulated activity. If the person is providing occasional or temporary services they are not in a regulated activity.

Before an organisation considers asking a person to apply for a criminal record check through DBS, they are legally responsible for ensuring that they are entitled to submit an application for the job role. There are currently three levels of check:

1. **Standard checks** reveal information relating to spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC). To be eligible for a Standard Check the position must be specified in the Exceptions Order to the Rehabilitation of Offenders Act 1974.
2. **Enhanced checks** reveal the same information as Standard Checks but also check against information held by local police forces (for instance, relevant on-going investigations). To be eligible for an Enhanced Check the position must be specified in the Exceptions Order to the Rehabilitation of Offenders Act 1974 AND regulations made under the Police Act 1997, which includes work with children.
3. **Enhanced checks (with barred list)** are used to check against lists of people prohibited from working with children and vulnerable adults. These are known as 'barred lists' (see below). To be eligible for an Enhanced Check with Children's and/or Adults Barred list check the position must meet the above criteria and fall within the DBS definition of 'Regulated Activity' (see below).

The minimum age at which someone can apply for a DBS check is 16. Organisations wishing to undertake a check should choose between three routes depending on the nature of the role:



9.2 REGULATED ACTIVITY DEFINITION

Regulated Activity is work a person who appears on the DBS barred lists is prohibited from doing. This includes work that involves close and unsupervised contact with vulnerable groups, including children.

The DBS has recently reduced the scope of Regulated Activity, so that some roles that previously needed a barred list check no longer do so. However, those posts taken out of Regulated Activity remain eligible for Enhanced Checks. In reducing the scope there is now a greater role for organisations in deciding whether a

person is a suitable candidate for a particular role. To do this effectively they must also use other safeguarding measures rather than rely on legal provisions alone.

Activities that place a staff member in Regulated Activity with Children are:

- I. *Unsupervised activities*: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- II. *Work for a limited range of establishments* ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;
- III. *Relevant personal care*, for example washing or dressing; or health care by or supervised by a professional, even if done once.
- IV. *Registered childminding*; and foster-carers.

Work under (i) or (ii) is Regulated Activity only if done regularly. 'Regularly' means carried out by the same person frequently (once a week or more) or on four or more days in a 30-day period (or in some cases overnight). Activity under (iii) and (iv) does not have a frequency restriction and is Regulated Activity even if performed only once.

Broadly speaking, the new definition of Regulated Activity relating to children no longer includes certain activities done on an irregular or ad-hoc basis or some activities properly supervised by someone who themselves is in Regulated Activity.

10. CHILD PERFORMANCE LICENSING

10.1 REQUIREMENT TO LICENCE

All children who perform on stage or in television, films, commercials or who work as models, have their welfare and safety protected by the following *children in entertainment* legislation:

- Children & Young Persons Act 1933 & 1963
- Children (Performances) Regulations 1968
- The Children (Performance) (Miscellaneous Amendments) Regulations 1998(1)
- The Children (Performance) Amendment Regulations 2000
- The Children (Performance) (Amendment) (No.2) Regulations 2000
- Statutory Instruments: 1968 No. 1728, 1998 No. 1678, 2000 No. 10, & No. 2384

For the purposes of *children in entertainment* a child is a person aged from birth until the end of their compulsory schooling.

The aforementioned legislation requires licences to be issued by each Local Authority (LA) for children who take part in one of the following categories:

- **broadcast performances** (films, TV, video) covers performances that will be broadcast;
- **non-broadcast performances** (theatre, modelling) covers performance that are not broadcast.

It is the responsibility of NYT to establish contact with the relevant local authority in which a child resides to obtain instructions as to whether a license is required. It should be noted that there will be occasions when a licence is not required, see EXEMPTION sections below.

The Children (Performances) Regulations 1968 only apply to actual performances and therefore the following information does not apply to rehearsals or regular workshops. Rehearsals are, however, affected by the Regulations, if they take place during the currency of a licence (between first and last performing day). Rehearsals are then subject to the same restrictions and conditions applicable to that licence i.e. time at place of performance, performing times and so forth. Rehearsals also count as a performance when calculating length of working week i.e. 5 days broadcast, 6 days theatre/other.

Appendix 5 shows the regulations of times and hours as required by The Children (Performances) Regulations 1968. All categories of children's entertainment licensing, including both licence exemptions, are subject to these times and hours.

10.2 CHAPERONES

All licensed children need to be chaperoned in law while taking part in a performance. Chaperones acts *in loco parentis* and should exercise the care which a good parent might be reasonably expected to give that child. Regulations require a ratio of 1 chaperone to 12 children.

A chaperone's first priority is always to the child and the chaperone must not take part in any activity that would prevent them from proper supervision and care of the children they are responsible for. A chaperone will have total charge of a child – unless the child is being chaperoned by his/her parent/carer – whilst the child is at the theatre/performance location, and is responsible for the child's care and control. If the child has completed his performance and is then handed into the care and control of his parent/guardian who is outside of the stage performance area, the chaperone will no longer have responsibility for the child.

Chaperones are required by law to keep a record for each child, per performance:

- It is a requirement under the Regulations that these records be kept and made available, together with each child's Licence, at every place of performance where a child is present, for inspection by an officer of the Local Authority in whose area the performance takes place.
- Upon completion of the production, the daily record sheet/s should be stored at the Licence Applicant's main company address for a period of not less than 6 months after the final performance date for which the Licence has been granted.

Licensed Chaperones are approved by Local Authorities and will be familiar with the law regarding *children in entertainment*.

10.3 CHILD PERFORMANCE LICENCE EXEMPTIONS

EXEMPTION ONE - THE FOUR DAY RULE:

The "four day rule" is an exemption that can be considered for use by both professional and amateur companies. This exemption states that a licence is not required for a child if:

- they perform for only 4 days in any 6 month period; and
- they do not need time off from school to undertake the performance; and
- they do not receive any payment other than expenses.

Children who fall within the exemptions and do not need a licence are still covered by Regulations 21, 22, 33 and 34 of the Children (Performances) Regulations 1968 covering the number of days on which children may perform and permitted hours of performance (see appendix 5).

NYT will use the four day rule where appropriate; however this will only be done in consultation with relevant Local Authority Education Welfare Teams who will be required to know the names of the children taking part in the production, and the production dates.

EXEMPTION TWO - BODY OF PERSONS LICENCE:

The Children & Young Persons Act 1963 gives a local authority under Section 37(3)(b) the power to issue a licence to a Body of Persons e.g. a group of responsible adults (youth organisations, amateur dramatics, etc) to enable them to engage children and young people in non-broadcast and recorded performances without the need to apply for separate licences for each child for each production. Where appropriate, NYT will apply for a Body of Persons Licence.

The Body of Persons must then provide the Education Authority with the following information in advance:

- names, addresses and dates of birth of all the children who will be performing;
- venue and dates of performances;
- names and addresses of the adults forming the Body of Persons.

Approval can be granted providing:

- the child performers receive no payment other than expenses;
- the performance is for a stage production;
- the performances all take place within the local authority that is granting the Body of Persons licence;
- the child performers are supervised by the adults who form the Body of Persons or licensed chaperones;
- the organisation complies with the regulations on days and permitted hours of performance contained in the Children (Performance) Regulations 1968 (see section 7 of Good Practice);
- that the Child Employment Team agreed that the rehearsal/performance venue(s) are suitable places for children to perform;
- the organiser has ensured appropriate arrangements are in place to transport child performers to and from the venue and for them to be released into the care of an appropriate person;
- the organiser will not use the children in performances that may be dangerous;
- the organiser can demonstrate that it can meet any health, safety and welfare conditions set by the local authority;
- the Body of Persons ensure that arrangements are made to transport young performers to and from the venue;
- the Body of Persons does not use children in performances that maybe dangerous.

The holders of the licence must ensure that they keep records of each child's performance as required by Schedule 3 Children and Young Persons, The Children (Performances) Regulations 1968 (see ECC pro forma). Approval can only be granted for children who perform solely for the holder(s) of the Body of Persons Licence.

Although the law does not place a statutory obligation on organisations to ensure that chaperones are provided for unlicensed children, local authorities prefer that all children be provided with a chaperone as a condition of granting a Body of Persons licence. The local authority believes this preference is justified as a matter of good practice and to ensure that all children benefit equally from child protection procedures.

NYT will obtain a Body of Persons licence where appropriate and upon the advice of relevant Local Authority Education Welfare Teams.

APPENDIX 1 – CONTACT DETAILS

| Role | Postholder | Email Address |
|------------------------------------|--|-------------------------|
| CEO and Artistic Director of NYT | Paul Roseby | roseby@nyt.org.uk |
| Safeguarding Protected email | Anna Niland | safeguarding@nyt.org.uk |
| Designated Safeguarding Officer | Anna Niland (Associate Director) | anna.niland@nyt.org.uk |
| Designated Safeguarding Ambassador | Delma Walsh (Psychotherapist for NYT) | delma.walsh@nyt.org.uk |
| Lead Trustee for Safeguarding | Simon Stockill (Trustee) | simon.stockill@nhs.net |
| NSPCC Helpline | Helpline 0808 800 5000 | |

| Children and young people's Social Care Service | Contact number |
|--|-------------------------------|
| Contact team (<i>Monday to Friday 9am-5pm</i>) | 020 7527 7400 |
| Emergency Duty Team (<i>5pm to 9am, Weekends and Bank Holidays</i>) | 020 7527 0992 |
| Manager of Safeguarding and Quality Assurance and designated LADO (Local Authority Designated Officer) | Siobhan McAree: 020 7527 8102 |

| NHS Service | Contact number |
|---|-----------------|
| Named Nurse, NHS Islington | 020 3316 1885 |
| Designated Nurse, NHS Islington | 020 7527 1058 |
| Named and Designated Doctor, NHS Islington | 020 3316 1885 |
| Child Protection Advisors NHS Islington | 020 3316 1885 |
| Named Nurse, Whittington Hospital NHS Trust | 020 7288 5472 |
| Named Nurse, Moorfields Eye Hospital NHS Foundation Trust | 020 7566 2595/6 |

| Education Service | Contact number |
|---|----------------|
| Access and Engagement | 020 7527 3747 |
| Designated Safeguarding Officer Soola Georgiow- | 020 7527 5845 |

APPENDIX 2 - CODE OF CONDUCT FOR STAFF, VOLUNTEERS AND TRUSTEES

All staff, volunteers and trustees will be expected to be aware of and follow NYT's Safeguarding Policy and Operational Procedures.

All staff, volunteers and trustees will be expected to adhere to the below code of conduct.

Staff, volunteers and trustees will ALWAYS:

- Treat everyone with dignity and respect.
- Set an example you would wish others to follow.
- Treat all children and young people equally.
- Plan activities that involve more than one other person being present, or in sight/hearing of others.
- Follow recommended ratios between adults and children/young people for meetings and activities.
- Respect a child/young person's right to personal privacy.
- Avoid unacceptable situations within a relationship of trust.
- Allow children and young people to talk about any concerns they may have.
- Remember someone else might misinterpret your actions, no matter how well-intentioned.
- Take any allegations or concerns of abuse seriously and refer immediately.

Staff, volunteers and trustees will NEVER:

- Form a relationship with a child/young person that is an abuse of trust.
- Engage in inappropriate behaviour or contact - physical, verbal, sexual.
- Make suggestive remarks or threats to a child/young person.
- Use inappropriate language – writing, phoning, email or internet.
- Let allegations, suspicions, or concerns about abuse go unreported.

On occasion, one-to-one contact will be unavoidable, in such cases:

- Make sure it is for as short a time as possible.
- Ensure you remain accessible to others.
- Tell someone where you are going, what you are doing and why.
- Try to move with the child/young person to areas where there are more people.
- Try to avoid unnecessary physical contact.

APPENDIX 3 - DEFINITIONS & SIGNS OF ABUSE

In order to effectively protect children and young people, staff should be familiar with the key signs and indicators of abuse, which are detailed below:

PHYSICAL ABUSE

Physical abuse is any form of non-accidental injury or injury which results from wilful or neglectful failure to protect a child/young person.

An important indicator of physical abuse is where bruises or injuries are unexplained or the explanation does not fit the injury. A delay in seeking medical treatment for a child/young person when it is obviously necessary is also a cause for concern. Bruising may be more or less noticeable on children and young people with different skin tones or from different racial groups and specialist advice may need to be taken. Patterns of bruising that are suggestive of physical child abuse include:

- Bruises that are seen away from bony prominences;
- Bruises to the face, back, stomach, arms, buttocks, ears and hands;
- Multiple bruises in clusters;
- Multiple bruises of uniform shape;
- Bruises that carry the imprint of an implement;
- Cigarette burns;
- Adult bite marks;
- Scalds.

Although bruising is the commonest injury in physical abuse, fatal non-accidental head injury and non-accidental fractures can occur without bruising. Any child/young person who has unexplained signs of pain or illness should be seen promptly by a doctor. Behaviour changes can also indicate physical abuse:

- Fear of parents being approached for an explanation;
- Aggressive behaviour or severe temper outbursts;
- Flinching when approached or touched;
- Reluctance to get changed, for example wearing long sleeves in hot weather;
- Depression; or withdrawn behaviour;
- Running away from home.

EMOTIONAL ABUSE

Emotional abuse happens where there is a relationship between a carer and a child/young person and can manifest in the child/young person's behaviour or physical functioning.

Emotional abuse can be difficult to measure, and often children, young people and vulnerable adults who appear well-cared for may be emotionally abused by being taunted, put down or belittled. Emotional abuse can also take the form of children and young people not being allowed to mix/play with other children and young people. The physical signs of emotional abuse may include:

- Failure to thrive or grow;
- Sudden speech disorders;
- Developmental delay, either in terms of physical or emotional progress.

Changes in behaviour which can also indicate emotional abuse include:

- Neurotic behaviour, eg, sulking, hair twisting, rocking;

- Being unable to play; or fear of making mistakes;
- Fear of parent being approached regarding their behaviour;
- Self-harm.

SEXUAL ABUSE

Sexual abuse involves the use of a child/young person for gratification or sexual arousal by a person for themselves or others.

Adults who use children, young people and/or vulnerable adults to meet their own sexual needs abuse both girls and boys of all ages, including infants and toddlers. Usually, in cases of sexual abuse it is the behaviour of children/young people/vulnerable adults which may cause you to become concerned, although physical signs can also be present. In all cases children/young people/vulnerable adults who talk about sexual abuse do so because they want it to stop. It is important, therefore, that they are listened to and taken seriously. The physical signs of sexual abuse include:

- Pain or itching in the genital/anal areas;
- Bruising or bleeding near genital/anal areas;
- Sexually transmitted disease; vaginal discharge or infection;
- Stomach pains;
- Discomfort when walking or sitting down.

The following changes in behaviour may also indicate sexual abuse:

- Sudden or unexplained changes in behaviour (eg becoming aggressive or withdrawn);
- Fear of being left with a specific person or group of people;
- Sexual knowledge which is beyond their age or developmental level;
- Self harm or mutilation, sometimes leading to suicide attempts;
- Suddenly having unexplained sources of money;
- Acting in a sexually explicit way towards adults;
- Sexual drawings or language.

NEGLECT

Neglect results in a child/young person suffering significant harm or impairment of development as a result of being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

Neglect can be a very difficult form of abuse to recognise. The physical signs of neglect may include:

- Hunger, sometimes stealing food from others;
- Constantly dirty or smelly;
- Loss of weight, or being constantly underweight;
- Inappropriate dress for the conditions.

BULLYING

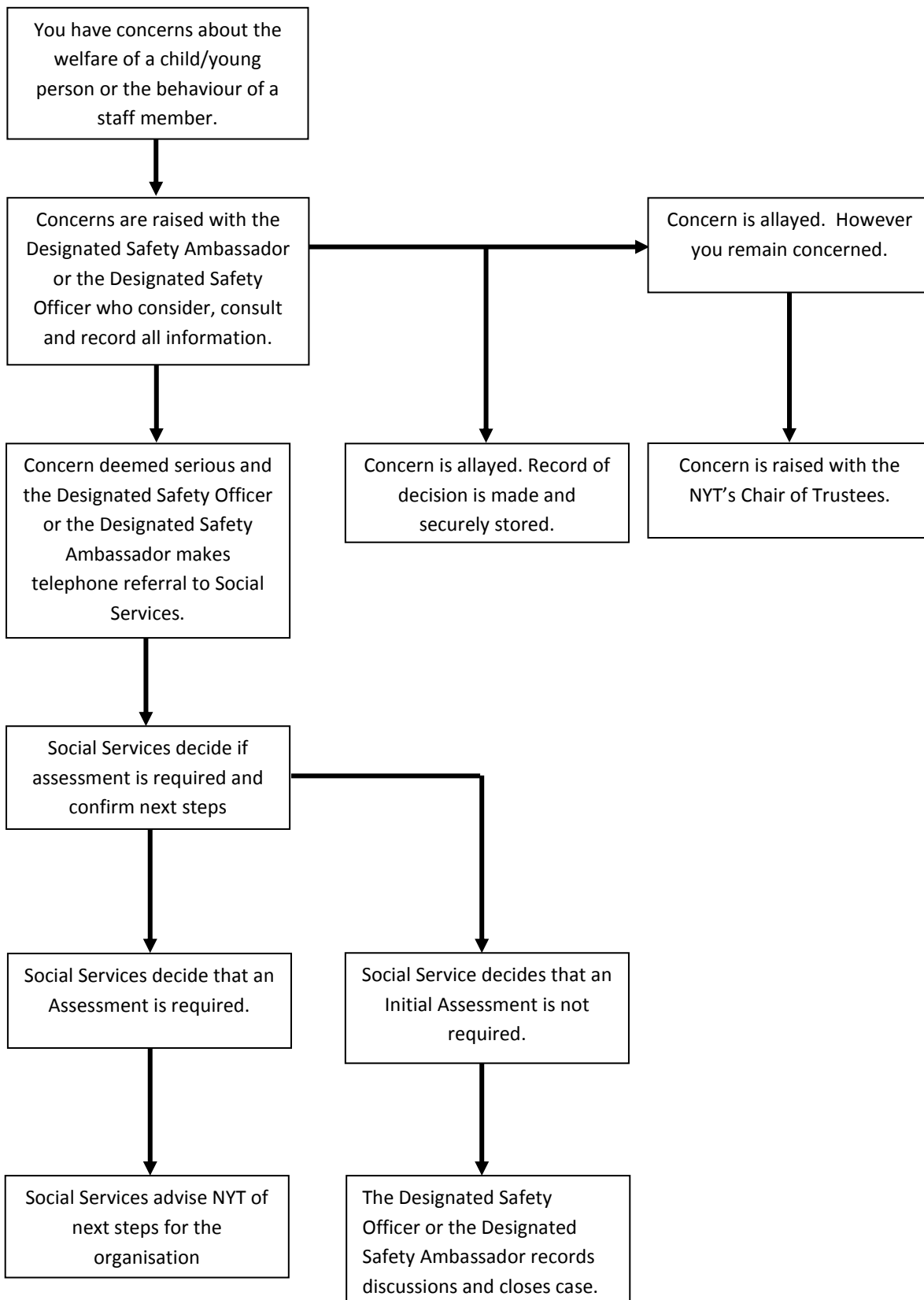
Bullying is behavior that hurts someone else – such as name calling, hitting, pushing, spreading rumours, threatening or undermining someone. It's usually repeated over a long period of time and can hurt a child/ young person both physically and emotionally. Bullying that happens online, using social networks, games and mobile phones, is often called cyberbullying.

You can't always see the signs of bullying. And no one sign indicates for certain that a child's being bullied. But you should look out for:

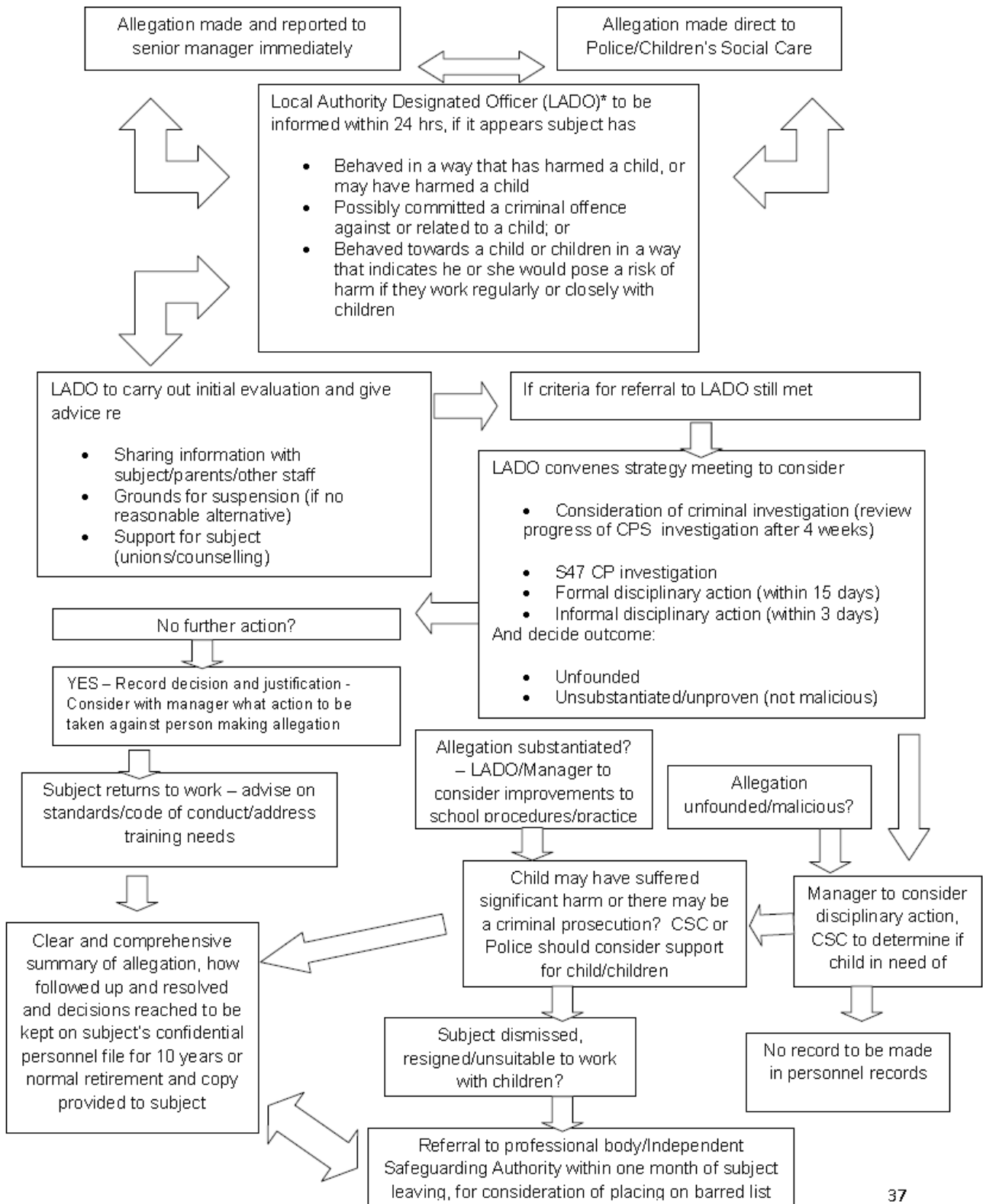
- belongings getting "lost" or damaged
- physical injuries such as unexplained bruises
- being afraid to go to school, being mysteriously 'ill' each morning, or skipping school
- not doing as well at school
- asking for, or stealing, money (to give to a bully)
- being nervous, losing confidence, or becoming distressed and withdrawn
- problems with eating or sleeping
- bullying others.

APPENDIX 4 –REPORTING PROCEDURES FLOWCHART

This quick guide flowchart is designed to advise on the most appropriate action to be taken if you suspect abuse, poor practice or breach of the code of conduct:



APPENDIX 5 – REPORTING FLOWCHART FOR ALLEGATIONS MADE AGAINST STAFF



APPENDIX 6 – INCIDENT REPORT TEMPLATE

| YOUR DETAILS | |
|--|--|
| Your name: | |
| Your role: | |
| CHILD'S DETAILS | |
| Child/young person's name: | |
| Child/young person's address: | |
| Child/young person's date of birth: | |
| INCIDENT/DISCLOSURE DETAILS | |
| Date/time of incident or disclosure: | |
| Your observations: | |
| What did the child/young person say and what did you say. Please ensure that you record the exact wording: | |
| Action taken: | |
| EXTERNAL AGENCIES CONTACTED | |
| Police – Details of name of contact and advice received: | |
| Social Services – Details of name of contact and advice received: | |
| Other - Details of name of contact and advice received: | |
| Date/time report completed: | |

Please ensure that the report is emailed to NYT's Designated Safety Ambassador and NYT's Designated Safety Officer

APPENDIX 7 – CHILD PERFORMANCE LICENSE REQUIREMENTS

The following chart shows the regulations of times and hours as required by The Children and young people (Performances) Regulations 1968. All categories of children and young people’s entertainment licensing, including both licence exemptions are subject to these times and hours.

| | | |
|---|--|---|
| Performances (same nature) | 2 per day | 1 Performance & 1 rehearsal OR 2 Performances |
| Performances per Week | Max. 6 days per 7 day week | Max. 8 consecutive weeks requires 2 week interval before performing again in ANY production |
| Time Gap between performance days | 14 hours must elapse between the end of the previous days performance and the beginning of the following days performance | |
| Performance Time | Max. 3 hrs 30 mins | Including breaks |
| Appearance in Performance | Max. 2 hrs 30 mins | aggregated |
| Intervals | 1 1/2 hours minimum | Between 2 performances OR 1 performance & 1 rehearsal |
| Exception to Intervals (in any week) | On not more than 2 days minimum of 45 minutes interval between performances and/or rehearsals. Maximum 6 hours at place of performance | |
| School Day | Attending school after the morning session | 1 performance OR 1 rehearsal ONLY |
| Performance Hours | Age 12 & Under | Age 13 and over |
| Earliest Arrival | 10.00 a.m. | 10.00 a.m. |
| Latest Departure | 10.00 p.m. | 10.30 p.m. |
| Exception (1) | 10.30 p.m. | 11.00 p.m. |
| Exception (2) | Not later than 11.00 p.m. on not more than 3 evenings per week, provided that he is not so present on more than 8 evenings in a period of 4 consecutive weeks. | |
| Medical (1) | YES (period longer than 1 week) | Performing over 6 consecutive days |
| Medical (2) | NO (period less than 1 week) | Performing under 6 consecutive days |
| Arrangements for getting Home | Applicant shall ensure that suitable arrangements (having regard to the child’s age) are made for the child to get to his home or other destination after the last performance or rehearsal or the conclusion of any activity on any day. | |

APPENDIX 8 – REFERENCE FORM FOR POSTS REQUIRING ACCESS TO CHILDREN AND YOUNG PEOPLE

| | |
|---|----------------------|
| This reference is for: | |
| Post offered: | |
| Please confirm employment dates: | From: To: |
| The applicant's most recent job title: | |
| Main duties/responsibilities of the post: | |
| Reason for leaving employment: | |
| How long have you known the applicant? | |

| | |
|---|---|
| Does the candidate perform his/her duties satisfactorily? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| If no please provide details of any areas needing improvement: | |
| Please confirm the how many days sickness absence the applicant has had in the last 24 months: | |
| Can you think of any reason why this person might not be suitable for the above role? | |
| Please comment on the effectiveness of the applicants interactions with children and young people: | |
| Are you completely satisfied that the applicant is suitable to work with children and young people? If no please provide details: | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| To the best of your knowledge has the applicant had an allegation made against them regarding their behaviour towards children and young people? | Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please give details: |
| Has the applicant been subject to any disciplinary action relating to his/her suitability to work with children and young people in which penalties were imposed? | Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please give details: |
| Would you re-employ the applicant? | Yes <input type="checkbox"/> No <input type="checkbox"/> If no please give details: |

| | |
|---|---|
| | |
| Has the DBS check been carried out by your organisation? | Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please state when: |
| Please state whether you would recommend this candidate for the post without reservation: | |
| Printed name | |
| Signature | |
| Position | |
| Organisation name | |
| Date | |

Please return the reference by email using a recognised employer's email and making sure that you include the organisations logo on the email.

Policy Document and Version Control:

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Author: Anna Niland, Associate Director

Summary of key changes: Updated to align with accompanying code of practice.