

Requirements to become an 'Approved Body' for the purpose of the Performances by Children Regulations 2004 and the Performances by Children (amendment) Regulations 2018

To enable organisations in the Isle of Man who put on significant numbers of performances involving children, such as brass bands, dance groups and choirs, to carry out these performances without the need to apply for individual licences an amendment to the *Performances by Children Regulations 2004* has been passed by Tynwald.

The amendment is available on the Isle of Man Government Website and it enables performance groups to apply to be an 'approved body' as stated in the *Performances by Children Regulations 2004: s5 (2)(c)*

“(2) A licence is not required under paragraph (1) in respect of a performance in which a child takes part and which is given under arrangements made by –

(a) the Department

(b) the governing body, proprietor or head teacher of a school, or

(c) a body of persons approved by the Department for the purpose of this paragraph,

And no payment in respect of the child's taking part in the performance is made, whether to him or to any other person, except for defraying expenses.”

The key requirement to become an approved body by the Department of Education, Sport and Culture for the purposes of the *Performances by Children Regulations 2004* is that the child is not paid and that the organisation can demonstrate that it has a robust and effective system in place to protect children during rehearsals and performances throughout the performance period.

This guide covers:

- 1) What is an approved body**
- 2) How to apply to become an approved body**
- 3) The requirements to become an approved body**
- 4) The regulations an approved body must comply with**
- 5) Child protection policy**

Contacts

1) What is an approved body?

An 'approved body' is defined in the amendment as a group or organisation which uses children in their performances or productions and is approved to do so for the purposes of the *Performances by Children Regulations 2004* and *Performances by Children (Amendment) Regulations 2018* only.

The Department is not approving the group except in relation to performances produced by the organisation with children in them. This approval is to acknowledge the organisation is exempt from the need to apply for licences for each individual performance as the Department is satisfied that during the performance period the organisation will be complying with the relevant regulations.

2) How to apply to become an Approved Body for the purposes of the *Performances by Children Regulations 2004*

- An application form should be sent in and the DESC and the applying organisation would then on approval enter into an agreement to abide by the regulations 14, 15, 18, 23, 34 and 35 of *The Performances by Children Regulations 2004* (see section 4 of this guide for more details on these regulations)
- The application form is available online at www.gov.im
- The applying organisation should include a copy of their Child Protection Policy with their application form.
- The organisation can be an approved body for up to a five year period.
- A yearly return must be submitted by an approved body to confirm that the details of the group's officials, policies and procedures specified in its application for their initial approval remain the same, or to inform us of any changes. This return should also detail any safeguarding training that has been undertaken by the group over the year.

3) The requirements to become an 'approved body'

- No payment is made to the child or anyone else on behalf of the child, other than for defraying expenses and, where applicable, prizes.
- No child should be absent from school without the Head Teacher's authorisation.
- The performance is not of a dangerous nature as defined in regulation 2 and 3.
- The approved body must comply with regulations 14, 15, 18, 23, 34 and 35 from the *Performances by Children Regulations 2004* (see section 4 of this guide for more details on these regulations)

- A first aider should be on site for each performance
- The Department has access to any dress rehearsal, technical rehearsal or performance.
- The organisation should be able to show a robust child safeguarding policy.
- The approved body shall ensure the chaperones in charge of the children have a list of emergency contacts for each child. This list should include any medical issues or additional needs and should be available at each dress rehearsal, technical rehearsal and performance
- For dress rehearsals, technical rehearsals and performances the approved body should ensure signing in and out sheets are completed.
- An 'approved body' exemption is issued for a child to perform in the Isle of Man and United Kingdom.
- The 'approved body' is granted to the organisation and not the child and is not transferable for the child to perform for another group or organisation.
- Performances for an 'approved body' count in the 3 day rule - S.5(3) *Performances by Children Regulations 2004* - should the child perform for a different organisation.
- Any type of organisation can apply - professional company or amateur group as long as no payment is made for the child taking part to the child or to a parent or career.

4) The regulations that need to be complied with are:

Regulation 14: Matrons

A child should be looked after by a matron or chaperone during the performance period, unless they are in the care of their parent or teacher. The matron should be suitable and competent to care for the children in their care. They shall not be in charge of any more than 11 children at any one time. They shall have the care and control of the child with a view to securing their health, comfort, kind treatment and moral welfare.

Regulation 15: Notification of injury or illness

If the child is injured or becomes unwell while in the charge of the producer, or of the matron or teacher, the producer shall ensure that the parent of the child and the department are notified immediately.

Regulation 18: Arrangements for getting home

The producer shall ensure that suitable arrangements are in place (taking into account the child's age) for the child to get home. This is often signing the child out into the care of a parent or guardian.

Regulation 23: Records to be kept by the producer

The producer shall keep all records as specified in schedule 3 of the Regulations, and shall retain them for 6 months after the performance.

Regulations 34 and 35

These regulations cover the general restrictions on performances where a licence is not required under regulation 5. These regulations are laid out below:

Restrictions on performances for which licence is not required

34. Maximum number and length of performances for which licence is not required

- (1) This regulation applies to a performance for which a licence under regulation 5 is not in force and, by virtue of regulation 5(2) or (3), is not required.
- (2) A child shall not take part in a performance the duration of which exceeds 3½ hours.
- (3) A child shall not take part in a performance if the duration of his appearances in the performance exceeds 2½ hours.
- (4) A child shall not take part in more than one performance on any day unless he performs the same part in the performances, except where —
 - (a) he takes the place of another performer in the same performance, and
 - (b) the performances or rehearsals are of the same nature
- (5) A child shall not take part —
 - (a) on any day on which he is required to attend school after the morning session, in more than one performance;
 - (b) on any other day, in more than 2 performances.
- (6) A child shall not take part in more than one performance on any day unless there is an interval of not less than 1½ hours between the end of his part in the first performance and the beginning of his part in the next performance.
- (7) Paragraph (6) does not prevent a child taking part in more than one performance in a day on not more than 2 days in any week where —

- (a) there is an interval of not less than 45 minutes between the end of his part in the first performance and the beginning of his part in the next performance, and
 - (b) he is not present at the place of performance for more than 6 hours.
- (8) In the case of performances, or rehearsals for performances, in a circus, paragraphs (5) and (6) do not prevent a child taking part —
- (a) on any day on which he is required to attend school after the morning session, in not more than 2 performances;
 - (b) on any other day, in not more than 3 performances;
- provided that —
- (i) there is an interval of not less than 1½ hours between the end of his part in one performance and the beginning of his part in the next performance, and
 - (ii) the duration of his appearance in a performance does not exceed 30 minutes.

35. Earliest and latest hours at place of performance

- (1) This regulation applies to a performance for which a licence under regulation 5 is not in force and, by virtue of regulation 5(2) or (3), is not required, but does not apply where the place of performance is also where the child lives or receives education. (2) Subject to paragraph (3), a child shall not be present at a place of performance after whichever is the earliest of the following times —
- (a) 10 pm if he has not attained 13 years of age, or
 - (b) 10.30 pm if he has, or
 - (c) 30 minutes after the end of his part in the performance or last performance.
- (3) Paragraph (2) does not prevent a child's presence at the place of performance not later than 11 pm on not more than 3 evenings in a week where, in order to enable him to take part in a performance, his presence is required after the time specified in that paragraph.

(4) A child shall not be present at a place of performance or rehearsal before 10.00 am.

(5) A child shall not take part in a performance or rehearsal on the day immediately following a day on which he has taken part in a performance or rehearsal unless at least 14 hours have elapsed since the end of his part in the performance or rehearsal on that day.

5) Child Protection Policy:

Examples of Child Protection Policies can be found online at the Safeguarding Children Board website: http://www.isleofmanscb.im/third_sector_organisation.html

The Safeguarding Children Board website also gives you access to the training courses they provide and that you can sign up for.

These notes are for guidance only. Employers and parents are advised to read the full Regulations, a copy can be found on the Government website at www.gov.im or can be obtained from the Department of Education, Sport and Culture.

Contacts

If you have any queries about how to become an approved body for the purposes of the *Performances by Children Regulations 2004* please contact the Child Employment Officer at:

The Department of Education, Sport and Culture,

Thie Slieau Whallian

St John's, Isle of Man, IM4 3AS

Tel: (01624) 685808

E-mail: Admin.DESC@gov.im

The decision whether to issue an approved body exemption is at the discretion of the Department of Education, Sport and Culture.