**Policy Statement: Children and Families Bill 2013: Note from the Department for Education to the House of Lords report stage on amendments g57A, g65A and g65C**

To aid the House of Lords’ consideration of the Children and Families Bill, this note provides further information on the proposed insertion of a new clause in Part 5 of the Children and Families Bill, which would repeal section 38 of the Children and Young Persons Act 1963 for England and Wales.

The effect of amendment g57A would be to remove the restriction which means that a performance licence cannot be granted by a local authority to a child under the age of 14 except where the child is acting or dancing in a ballet and the part can only be taken by a child of that age, or where the performance is wholly or mainly musical or consists only of opera and ballet. The removal of this restriction would enable children under 14 to take part in a wider range of performances, which could increase the opportunities for them to learn new skills, develop their talents, and build confidence.

Amendments g65A and g65C are consequential amendments relating to the commencement and extent of the repeal.

**Why is the Government taking this approach?**

The range of opportunities and activities open to children has expanded significantly since the legislation dealing with children’s participation in public performances was introduced in the 1960s. This provision is now widely regarded as being unduly restrictive in limiting opportunities for younger children, and it is not clear that it serves any meaningful purpose in relation to safeguarding children.

A joint England and Wales public consultation on a package of proposals on child performance legislation took place during 2012. 92% of respondents agreed that this restriction on the types of performance that children can be licensed to take part in should be removed. There was no opposition to the proposal.

**How will child performers be kept safe?**

Ensuring effective arrangements are made to protect children’s wellbeing and education when taking part in performances is paramount. Removing this provision will enable local authority licensing officers to focus on whether proper provision has been made to secure the particular child’s well-being, rather than how to categorise the activity in question. It is a condition of all child performance licences for performances in Great Britain that a local authority approved chaperone be appointed to supervise child performers at all times. This condition would apply to all licences issued for child performers, including those aged under 14 following this change to the law.

We expect production companies and others involved in the entertainment industry to be well informed about the risks to a child’s emotional and physical wellbeing and to take account of the age and vulnerability of each child when considering involving them in performances.

**Wider changes outside of the Children and Families Bill**

The current legal framework has generally proved effective in its purpose of ensuring that child performers are kept safe. The Government does not intend to take any action which could reduce protections for children when they take part in performances.

We consulted, last year, on proposals for reform of child performance legislation. Responses were divided on many of the consultation proposals, particularly where they may have affected the balance between allowing children to take up opportunities to perform and protecting them from undue risk. Therefore we do not plan to take forward wholesale reform of the legal framework.

The consultation identified some barriers that can prevent children from taking up performance opportunities, although they do not appear to serve any meaningful function in relation to safeguarding child performers. There is a programme of action planned to be taken forward, outside of this Bill, to address the key impediments identified through the consultation. Those actions are set out below.

Changes to regulations

The Government plans to make three small but significant changes to the child performance regulations in the first half of 2014. They are:

* To replace the complex restrictions on the hours children can perform at different ages, which are different for theatre and broadcast, with a simpler, single set of limits subject to age group (0-4, 5-10, and 11-16). We also intend that local authorities should have greater flexibility to permit work outside of the usual limits, where there is a clear justification for doing so.
* Repeal the limit on the nature of the daily performances that a child can be licensed to take part in.
* Remove the requirement for medical certificates. These could still be requested by the local authority if, for example, there was cause for concern about a child’s health, but would not be a requirement. I know that the cost of obtaining a medical certificate most often falls to parents, and can sometimes be prohibitively expensive, yet local authority licensing officers tell us they are unnecessary and serve no useful purpose.

Supporting the Local Government Association to improve practice

Responses to the consultation highlighted that some problems stem from different local approaches to administration. The Department for Education welcomes the lead taken by Councillor Simmonds from the Local Government Association (LGA) to develop and promote best practice guidance. We hope this will encourage more local authorities to adopt the best practice that is evident in some areas, to make it easier for organisations to involve children in performances and support them to keep children safe when they do.

**Department for Education**

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