

**Children’s Rights Impact Assessment (CRIA) Template**

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| **Title / Piece of work:** | Children (Performances and Activities) (Wales) Regulations 2015  and Guidance on the Regulations |
| **Related SF / LF number**  **(if applicable)** | LF/HL/0779/15, MA/L/HL/0041/15 |
| **Name of Official:** | Richard Mulcahy/Debbie Campbell |
| **Department:** | Support for Learners Division  Education and Public Services Group |
| **Date:** |  |
| **Signature:** |  |

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children’s rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NAfW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

You may wish to cross-reference with other Impact Assessments undertaken.

**NB.** All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

**Six Steps to Due Regard**



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| **Step 1. What’s the piece of work and its objective(s)?** |
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| **A brief description of the piece of work**  These Regulations and Guidance replace the Children (Performances) Regulations 1968 and guidance issued under it. These Regulations make provision with respect to children (from birth to school leaving age) who take part in a performance to which section 37 of the Children and Young Persons Act 1963 applies. For most performances a licence granted by the appropriate local authority is required by section 37 but, for some, a licence is not required. There are currently a number of restrictions on when children can perform, which differ between broadcast and non-broadcast performances. The Welsh Government is of the view that there should continue to be rules about when children can perform, to safeguard their health, well-being and education. But the existing rules are complicated and restrictive, and not always in the best interests of children. Following consultations in [2012](http://gov.wales/consultations/education/safeguardingchildren/?lang=en) and [2014](http://gov.wales/consultations/education/when-children-can-take-part-in-performances-and-the-breaks-they-mush-have/?lang=en), these Regulations lift unnecessary restrictions while keeping essential safeguards in place. They prescribe the circumstances in which children can take part in performances, according to their age, and the breaks they must have. There is greater flexibility for a local authority approved chaperone to have limited discretion to vary these rules, if they think it is in the best interests of the child.  **What is the time frame for achieving it?**  We expect the Regulations to be laid before the Assembly on 28 September and to come into force, subject to agreement, on 20 October 2015.  **Who are the intended beneficiaries?**  Directly, children who take part in performances and certain sporting and modelling activities. Indirectly, it is expected to offer more flexibility to the creative sector in how children can take part in performances, productions and activities.  **Is it likely that the piece of work will affect children?**  Yes, a positive impact is intended by introducing more equitable and consistent arrangements in licencing to reflect more contemporary arrangements in today’s society. The rationale behind the changes is to seek to maximise opportunities for children to take part in all kinds of performances without reducing the protections provided by the existing framework for child performance licensing while ensuring the current level of safeguarding.  **Will the piece of work have an effect on a particular group of children, if so, describe the group affected?**  Yes - children, of compulsory school age who take part in performances or some other activities. |

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| **Step 2. Analysing the impact** |
| We believe that these proposals will deliver a positive impact for children who take part in performances.The current legal framework has generally proved effective in its purpose of ensuring that child performers are kept safe. However, as it has been in place since the 1960s, some aspects are now outdated. In 2012, the Welsh Government jointly consulted with the Department for Education on proposals to reform the legislation. The consultation identified some barriers that could prevent children from taking up performance opportunities, with limited purpose. These problems were highlighted in the passage of the Children and Families Act 2014 in the UK Parliament and restrictions have been removed in England and Wales on the types of performances that children under the age of 14 could be licenced to take part in. Now, the Welsh Government proposes to take further action to improve opportunities for children who wish to perform by:   * removing the requirement in the regulations for a medical certificate to be provided before a licence can be issued. The certificate is supposed to prove that the child is fit to perform, but local authorities tell us that in most circumstances this should not be necessary, and that parents often have to pay their GP to provide a certificate for no good reason. Removing this requirement would remove a financial barrier to children taking part in performances. * supporting local authorities and others to develop best practice guidance. The Department for Education and key partners published a best practice document on this earlier this year following discussions involving Welsh Government. Stakeholders in Wales would like to see a Wales-specific document which will ensure consistent and more equitable arrangements for children across Wales. * removing unnecessary restrictions on the different types of performance a child can take part in on one day and inconsistencies between the rules for performances which are not recorded or broadcast and those which are. We see no justification for these restrictions and differences, provided the overall safeguards about the number of hours spent performing and at what times of day are in force. Removing this barrier would result in children being able to take part in performances without any unhelpful or unnecessary restrictions.   The possibility of any negative impacts has been considered but we have not identified any from these Regulations or the guidance.  **Do you need to engage with children & young people and/or stakeholders to seek their views using consultation or participatory methods*?***  A consultation engagement workshop with members of the Welsh Network of Children in Entertainment and Employment took place to gather the views on the proposed new framework.  **Do you need to produce child friendly versions of proposals/consultations?**An easy read version of the guidance has been published.http://gov.wales/topics/educationandskills/publications/guidance/keeping-young-performers-safe/?lang=en |

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| **Step 3. How does your piece of work support and promote children’s rights?** |
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| The articles below are all in relation to work regarding Child Performance Regulations:-  **Article 1 – Everyone under 18 years of age has all the rights in this Convention**  The proposals will introduce an equitable system to meet age appropriate needs of children and young people, as set out in the Annex of the consultation.  **Article 3 – In all actions concerning children the best interests of the child shall be a**  **primary consideration.**  The current legal framework has generally proved effective in terms of safeguarding, however as it has been in place since the 1960’s some aspects are outdated and need updating to fit in a modern day context. The Welsh Government holds the position that there should continue to be rules about when children can perform, to safeguard their health, well-being and education. However, the current rules are complicated and restrictive, and not always in the best interests of children. The Welsh Government proposes to lift unnecessary restrictions while keeping essential safeguards in place. The new framework prescribes the circumstances that children can take part in performances, according to their age, the breaks they must have and proposals to allow a local authority approved chaperone to have limited discretion to vary these rules, if they think it is in the best interests of the child. Updating the existing legal framework would remove barriers and unnecessary bureaucracy, frequently questioned by local authorities, and ensure a more streamlined approach without compromising the safeguarding of children who perform.  **Article 5 - Governments must respect the rights and responsibilities of parents to guide and advise their child so that, as they grow, they learn to apply their rights properly.**  It is a requirement that children performing under a licence are accompanied by a chaperone. The chaperone is responsible for looking after children during all rehearsals and performances. Currently, the chaperone can allow a child to perform on stage for up to 30 minutes longer than set out in the rules and this only applies to licensed broadcast performances.  Whilst it is important to have a framework to ensure children are not overworked and have time for sufficient rest and sleep, it is a fact that both live shows and filming schedules can occasionally overrun. We propose that chaperones should be able to exercise their discretion in all types of performance, where it is clear that this is not detrimental to the health and well-being of the child. They would have the discretion to be able to agree to end the session up to an hour later, but would need to report this to the relevant local authorities so that regular use of this provision can be noted.  **Article 19 – Governments must do all they can to ensure that children are correctly cared for, and protect them from all forms of violence, abuse and neglect by their parents or anyone else who looks after them**  We propose to replace the current array of rules about when children can perform and the breaks they must have with a streamlined framework. In developing the framework we have followed the following principles:   1. that the same restrictions should apply whether performances are broadcast or not; 2. that where current restrictions between broadcast and non broadcast performance are different, we should generally adopt the least restrictive and simplest of the two; providing that this does not compromise the safeguarding of children who perform. 3. that other restrictions should be removed or reduced if they clearly have no safeguarding benefit; 4. that younger children should have stronger safeguards than older children to protect their health and wellbeing; and 5. above all, that any current restrictions which serve a clear purpose in safeguarding child performers should be preserved.   **Article 28 – Children have the right to an education. Discipline in schools must respect children’s human dignity. Primary education should be free. Wealthy countries should help poorer countries to achieve this.**  The law requires the producer to apply for a licence from the child’s local authority. The local authority should only issue a child performance licence if they are satisfied that the child’s education will not suffer, and that the producer has made suitable and sufficient arrangements to safeguard the child.  **Article 29 – Education must develop each child’s personality, talents and abilities to the full. It must encourage children to respect their parents, and their own and other cultures**  The 2012 child performance consultation identified some barriers that can prevent children from taking up performance opportunities, with limited purpose. The rationale behind the changes is to seek to maximise opportunities for children to take part in all kinds of performances without reducing the protections provided by the existing framework for child performance licensing while ensuring the current level of safeguarding.  **Article 31 – All children have a right to relax, play, and to join in a wide range of cultural and artistic activities**  *Hours a child can attend the place of performance*  The amount of time that a child spends at the theatre or on a film set may often be much greater than the time they spend performing. To safeguard the health and well-being of children, there are rules about the maximum hours that a child can attend the place of performance. Currently, for performances other than broadcast or recorded, a child may take part in more than one performance or rehearsal if they are not present for more than 6 hours. This restriction is not mirrored in the rules for broadcast performances, so it is proposed to remove it. We propose to align the rules that apply to non-broadcast performances with those that currently apply to broadcast, which differ according to the age of the child.  *Breaks – duration and frequency*  Whatever the nature of the performance, children need proper breaks throughout the day for meals and for rest. It is important that children get the breaks and meals they need. We propose the minimum frequency and duration of breaks should continue to be set out in regulations, according to age group.  Currently children over 5 must have a break of 1 hour 30 minutes between live performances. If the performance is of short duration, say ten minutes, the requirement for a 1 and a half hour break seems disproportionate. We are minded to reduce the minimum required break for performances that last for less than 1 hour to 45 minutes. For all age groups, we propose that no break should be for less than 15 minutes (as now), but are considering whether the minimum duration for meal breaks could be reduced from 1 hour (as it is now) to 45 minutes.  **Article 32 – The government must protect children from work that is dangerous or might harm their health or their education**  It is a requirement that children performing under a licence are accompanied by a chaperone. The chaperone is responsible for looking after children during all rehearsals and performances. Currently, the chaperone can allow a child to perform on stage for up to 30 minutes longer than set out in the rules. This only applies to licensed broadcast performances. Whilst it is important to have a framework to ensure children are not overworked and have time for sufficient rest and sleep, it is a fact that both live shows and filming schedules can occasionally overrun. We propose that chaperones should be able to exercise their discretion in all types of performance, where it is clear that this is not detrimental to the health and well-being of the child. We are also considering whether they should have the discretion to be able to agree to end the session up to an hour later, rather than 30 minutes.  It is important that children are protected from overwork. Regulations currently specify different maximum periods for different types of performance: a maximum of 6 consecutive days are permitted for non-broadcast performances, whereas the maximum is 5 days in 7 if any of the performances are broadcast. We propose to make 6 consecutive days the maximum for all types of performance.  **Article 34 – The government must protect children from sexual abuse**  The Welsh Government does not intend to take any action which could reduce safeguarding for children when they take part in performance or to take forward wholesale reform of the legal framework.  All proposals have been devised with the following principle:  *Any current restrictions which serve a clear purpose in safeguarding child performers should be preserved.* |

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| **Step 4. Advising the Minister and Ministerial decision** |
| The advice to the Minister for Education and Skills will confirm that this CRIA has been completed. No conflict with the UNCRC articles has been identified. As stated above, the new Regulations will remove a potential barrier to involvement of children from more deprived backgrounds by removing the automatic need for a medical certificate for the child with every application for a licence. While the cost of the certificate varied, its removal reduces the expense for the family of a child who wants to take part in a performance of activity. |

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| **Step 5. Recording and communicating the outcome**  **Final version to be retained on i-share** |
| These form part of the files registered on iShare. The consultation documents and the summaries of responses have been published on the Welsh Government website:  2012 documents - <http://gov.wales/consultations/education/safeguardingchildren/?lang=en>  2014 documents - <http://gov.wales/consultations/education/when-children-can-take-part-in-performances-and-the-breaks-they-mush-have/?lang=en> |

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| **Step 6. Revisiting the piece of work as and when needed** |
| The policy branch has developed wide links with stakeholders in order to prepare the Regulations and guidance. Once the Regulations are in force, we will keep in contact to see how the new rules are being used and to find any problems. After 12-18 months there will be an informal review of implementation by the local authorities and consideration given to any further issues that have arisen, with a view to early action to resolve them. |
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**Budgets**

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| **As a result of completing the CRIA, has there been any impact on budgets?**  It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process. | **No** |
| **Please give any details:**  The division does not hold a budget for child performance licencing as the work is carried out by local authorities as part of their wider safeguarding role. There is no specific funding to local authorities for this work and so no changes are required. | |

**Monitoring & Review**

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| **Do we need to monitor / review the proposal?** | **Yes** |
| **If applicable: set the review date** | **By March 2017** |

**See next page for a Summary List of the UNCRC articles**

