

# A CROSS INDUSTRY APPROACH

## REVIEW OF THE

### CHILD LICENCE PROCESS

Date	1 <sup>ST</sup> JULY 2020
Time	15.00-17.00

#### PANEL

Arlene De Cruz	City & Guilds Accredited Trainer for regulatory compliance and Chaperone and Tutor Agent. BECTU Committee member Chaperone and Tutors branch
Paul Milne	Head of Safeguarding at the BBC
Clyde Baehr	PACT Business Affairs
Hannah Nutley	Qualified Tutor (QTS) and Accredited Chaperone, Branch Secretary for Chaperones and tutors BECTU branch
Paul Byrne	Accredited Chaperone and Tutor (QTS) BECTU Committee member Chaperone and Tutors Branch.

#### APOLOGIES

Tim Rogers	CPD Accredited Safeguarding Trainer, Senior Associate Consultant for NSPCC, Former Public Protection Unit Offender Manager for Warwickshire Police
Alison Foster	The day to day role of a licensing officer

**Paul Byrne:** relayed Tim’s concerns regarding the gaps in the safeguarding of children with industry policy and practice. Safeguarding is a process not a finished act and vigilance must be constant. As the broader production process is an unregulated activity<sup>1</sup>, there lacks a consistent protocol of checks and balances. It can take moments to lose a reputation built up over many years.

Tim is keen to highlight certain issues around offenders:

- In my experience, perpetrators can appear very charming, whilst being deceitful and manipulative.
- They are very enterprising and adept at exploiting identified vulnerability in people and organisations.
- There is no such thing as a ‘typical’ sex offender.
- Some offenders have spent years gaining positions of authority from which to offend.

‘Working together to safeguard children 2018’ states we all (Those of us that come in to contact with children) have a duty of care to ensure all children are safe. We can only do this if we acknowledge our roles in safeguarding and ensure everyone has a suitable level of knowledge.

This ideally means all staff being trained to understand what harm is, how we can

<sup>1</sup> For further information see

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739154/Regulated\\_Activity\\_with\\_Children\\_in\\_England.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf)

advocate on children's behalf and how to respond to concerns.

There is an over reliance on one person having the answers when the eyes and ears on set tend to be ignored and rarely suitably trained.

Absolving responsibility combined with professional optimism means we will fail to recognise and consequently we are ill trained to respond.

Professional optimism is rife in the industry in respect of safeguarding, whether we wilfully ignore concerns or cannot believe what we see, hear or experience we are doing a disservice to our children and allowing huge gaps for those with a nefarious reason to contact children to step in.

It is not if it is when.

**Arlene de Cruz** : spoke about the issues surrounding child licensing. Respecting and understanding LEAs differ around structure, resources and funding, some of the differentials reported by production and casting, prior to lockdown were:

- 21 day licensing turnaround
- LEA's interpretations of the DfE 2014 Children's Regulations leading to regional inconsistencies
- Fees being charged for fast track child licences by some authorities but not others, causing a postcode-casting lottery for children.

Child talent agents: in order to support a faster turnaround of applications, they currently issue multiple child licence applications to various councils. Whichever child received their licence first is cast. This adds to the LEAs already full in try and also wastes time trying to beat a system, which will inevitably push back against the 21 day deadline and so we end up with a vicious circle.

The draft review of the child licence application compliments the current application with the original questions remaining. Additions are:

- Covid-19 Risk Assessment Questionnaire for production to upload relevant information from their Covid-19 Risk Assessment Policies
- Support for schools and education – Children have been out of formal education for a lengthy period of time. We understand schools are keen to address the impact of such a prolonged absence from on site education, so the industry needs to be seen to be contributing to this aim when seeking school permission for further school absence by offering further clarity around off site education.

Arlene introduced a new document to help highlight to the councils and production the safeguarding practices put in place to safeguard cast and crew against Covid 19. We currently have recovery documents available for production to assist their safe return to work. However, in order to breathe life back into the casting and licensing of children, we required a review of the current processes and a children's recovery document for safe return to work.

**See: Child licensing and return to work recovery document.**

**Hannah Nutley:** introduced the Child licensing and return to work recovery document, focusing on sections 3c, 4a and 4b which are Covid- 19 child specific sections.

**Arlene de Cruz:** would appreciate people to review and comment on the new proposed document.

**Hannah Nutley:** shared the drafted, proposed updated child licensing form and talked through the changes.

**See: Comparison of old and new proposed new licence application form.**

The form compliments the current one and has been reworded and extended to accommodate new Covid 19 practices, whilst adding more comprehensive questions to aid production in their safeguarding practices and to update certain terms to be more inclusive. Schools and education are covered more robustly in this updated document. In red are the original document questions for comparison.

**Hannah Nutley:** highlighted the changes to the safeguarding questions that explicitly focus on the mental not just physical aspects of the role the child will be undertaking by extending the performance details section.<sup>2</sup>

She also highlighted the section detailing who will be chaperoning the child which has been amended to make clear to productions if they don't hire a licensed chaperone then the safeguarding and regulatory compliance responsibilities fall to them if the parent cannot prove they are up to date with their skills and knowledge.

**Paul Byrne:** spoke to the importance of production mirroring best practice expected in regulated activities such as in schools as the industry is not expected to regulate in the same way, but safeguarding issues are still present.

The safeguarding lead officer (SLO) duty usually falls to a producer who has many other considerations and responsibilities; proposed was a need for a person to act as Deputy Safeguarding Lead who also has full responsibility for ensuring regulatory compliance, known as the Head of the regulatory compliance department (HRCD) (which may be a one person department, depending on the size of the production). The SLO is responsible for leading the safeguarding ethos and practices of the whole production and the HRCD contributes to this as well as being a contactable person 24/7 for a child protection emergency and being 'on call' via a new proposed alert system for logging safeguarding concerns by any member of the cast and crew.

**See: Safeguarding. Roles, responsibilities, and requirements**

**Paul Byrne:** introduced the changes to the education section of the child licensing form and discussed the issues that councils and schools will face in September before the industry seeks further school absence. Many children and young people have not engaged with online learning and the attainment gap between

---

<sup>2</sup> This separation has been made to mirror the specific addition of the term 'mental health' in DfE guidance statutory for schools from 1<sup>st</sup> September 2020. " Keeping children safe in education. Statutory guidance for schools and colleges. "

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892394/Keeping\\_children\\_safe\\_in\\_education\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892394/Keeping_children_safe_in_education_2020.pdf)

Furthermore, Ofcom also make the distinction insisting " Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. "

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0019/132076/Broadcast-code-Section-1.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0019/132076/Broadcast-code-Section-1.pdf)

advantaged/disadvantaged children is widely reported to have widened. Furthermore, informal feedback has revealed that schools are not always aware of what will be provided and what they are being asked to consent to. To pre-empt schools contacting already stretched licensing officers and potentially slowing down the process, greater detail has been provided.

In addition, there needs to be a baseline of expectation and informal research has revealed that it is not universally known to schools that currently it is not an automatic requirement to have a teacher/tutor with qualified teacher status (QTS) ,matching the usual status of teachers working in the state education sector. The need to reassure councils, schools, and parents that productions are taking education seriously is imperative; having tutors who have QTS and a Teacher Reference Number (TRN) also creates a further level of safeguarding as the Teaching Regulation Agency has both a self-service and employer portal log in\* for checking /evidencing the status of a teacher as well as highlighting any issues that may not trigger an entry onto an enhanced DBS check. The HRCD would be responsible for ensuring such safer recruitment checks are completed.

\*See : <https://teacherservices.education.gov.uk/>

Also, if a council or school is unhappy with the education the child is receiving, it is possible this may affect the child's licence. It may also affect the future reapplication for a licence if further series of the production are commissioned. Making the expectation explicit that the tutor engaged will be in regular contact with the school and seek the working level and targets of children/young people will reassure schools and facilitate consistently personalising learning ,addressing the needs of each child/young person. Anecdotal evidence has revealed a variance in practice across the industry and a feeling by some schools that off site education on a production is an absence of learning to be 'caught up on' on their return rather than a possibility of smaller class sizes and targeted provision, contributing to what schools need to do in September 2020.

**Paul Byrne:** introduced his Safeguarding. Roles, responsibilities, and requirements document in greater detail. Starting with its guiding principles, it lists how the roles of chaperone, HRCD and SLO are different but very much complimentary. It also sets out suggested essential and desirable training and qualifications for each role. Little of this is statutory at present.

The document gives a detailed overview of how approaching policy, regulations, child protection and safeguarding could look in practice for a production.

Paul highlighted the proposed alert procedure which will contribute to the HRCD's ,and therefore any production's , overview which can be discussed with the SLO as appropriate .This enables the SLO to fulfil elements of their responsibilities by delegating to a trained colleague; it means that the production can also build up a safeguarding trail and be mindful of any developing bigger picture. High profile cases have revealed failings in information sharing that emphasise the need to oversee the bigger picture and encourage everyone to log any concern they have. The HRCD is not in post to make judgements but to facilitate this trail. No one knows if a jigsaw piece is significant until afterwards. Hindsight is not helpful when it comes to managing 'live' safeguarding.

**Arlene de Cruz:** spoke of the creation of production based regional hubs which are a centre of excellence. Sadly a sign of the times is austerity and the need to do more during Covid-19 with less has driven some LEAs to review their department structures, as with most industries. This undoubtedly adds to the Covid-19 challenges we face as departments are stretched, others close and those we have worked with previously move on and new faces start to emerge.

In order to assist and standardise the statutory service LEAs are to supply, looking out side the system maybe the way forward. Production hubs would support and assist LEAs whilst they define department structure.

These hubs would be available for production to use to complete child licences for the UK and going forward for International Licensing ; prep and training for chaperones with shadow work; union membership with rate cards; assistance with contracts and insurances and a register with criteria for inclusion where they can be contacted for work directly by production, professionalising the service and setting out prior training and insurance expectations . Arlene also suggested a review of the types of licences currently available, the first of which is for factual/observational documentaries as they are neither licensed or exempt, so a form of bespoke licence is called for.

Also a review for our Young Adults (16-18's), who are out of licence but are still children in the eyes of the law until the age of 18 and in education until this age; we are looking at a code of conduct which we are already using successfully. We have an obligation to safeguard this age group.

Arlene also suggested that we use CB2W (Casting Brief 2 Wrap) (which Is a prototype that was launched last April at PACT and then later in Leeds in September), which is a cross industry steering group meeting to discuss, review, amend and update our systems on a regular basis as we hope to confront these new challenges with both grace and strength together.

## CLOSING STATEMENTS

**Paul Milne (Head of Safeguarding BBC)** welcomed the revised Child Licence Application and whilst the document is lengthy it evidences that we accept responsibility for the next generation and resonates with our planning and mitigates risk . A cross industry approach benefits everyone and will land well at the BBC. Paul highlighted the importance of the assessment of accommodation, as he believes this has been greatly overlooked in the past. His department now has a standardised risk assessment, which is completed for any accommodation used. Level of DBS – we are an unregulated activity, so risk assessing roles on a case by case basis would be beneficial as regulated activity responsibilities do occur in the workplace and we must satisfy legislation in this area. The role of the HRCD would help pull this altogether on a national scale. Addressing the inconsistencies around the issuing of chaperones licences is much needed and would be welcome. Whilst we do have to put the children first we also need to consider the people who work with the children to ensure they are adequately protected as well.

Paul is looking for consistency across councils for children's safety and a consistent approach would be very much welcomed at the BBC.

## **Hubs**

Paul says the BBC have been working on something similar and its reassuring that we are all on same same page. Looking at regional hubs, we have nations and regions already as a template, funding is the question.

Regional hubs could possibly look to the government for investment. These would support the lack of LEA inconsistency.

We are open to facilitate as this has so much value in it.

**Clyde Baehr PACT Business Affairs:** Inconsistencies around LEAs is a concern and we echo working with children and the need to be as inclusive as possible. We will review and discuss with our members.

All minutes verified 13.7.2020