

a simple guide to filming a commercial with children

Licence

All children filming a TV/Cinema commercial in England, Wales and Scotland MUST obtain a licence from their Local Education Authority (LEA). The position is the same for English, Welsh and Scottish children working in other countries. Failure to do so will leave the production company open to prosecution and/or the child(ren) being removed from the production set. This licence must be available for inspection on demand.

There is some confusion as to whether or not there are any conditions under which a child can work without a licence because until 1998 it was possible for a child to work without a licence for four days per year. It is now the case that NO child can work for anyone or any company without a licence.

The application for a licence is made to the LEA where the child is resident. If the child is at Boarding School the application should be made to the Authority where the parents reside.

It takes 21 days to apply for a licence ♦ this can be reduced in some cases, but only with the prior agreement of the appropriate Authority. The form for applying for a licence can be found under 'The Law on filming with children and forms for applying for a licence'.

Not all authorities believe that 6 month licences are legal. Even if an agent has a 6 month licence for a child, permission must still be obtained for each individual shoot. This takes a minimum of 48 hours.

If you are refused a licence, you can appeal to a local Magistrates' Court.

The person who signs the application for the licence is responsible for observing the conditions of the licence.

Copies of the licence are to be sent to: -

* School

- * Parents
- * Chaperone
- * Tutor
- * LEA where the performance takes place

Take care, when a child reaches 16, if the child turns 16 after the last Friday in June, they are not allowed to leave school until the end of the following school year and they will therefore still require a licence to work during this period.

The authorities have the right to inspect the shoot at any time and if the licence is not available for inspection on the shoot, they have the right to remove the child or prosecute. The penalty is £1000 or 3 months in prison. Local Authorities do actually check licences.

The restriction on the number of days a child may work in one year has now been lifted and is totally at the discretion of the local Authority, however, a child must have a two week break from work during the school holidays.

Rehearsals

Rehearsals cannot be in school hours.

No licence is required for rehearsal days, but the hours worked, do count towards the working hours within a day or the number of days permitted within a week. Rehearsal days must be declared on the licence application.

A child cannot rehearse or shoot for more than 5 days in any one-week.

The regulations that apply to performance in terms of hours they can work, start and finish times and intervals between work also apply to rehearsals.

Children Aged 9 and Over

Children aged over 9 years of age must not be present at a place of performance or rehearsal for more than nine and one half hours (including tuition if required). Earliest (7.00am) and latest (7.00pm) times or (8.30am if the child left at 6.30pm the previous night).

Any continuous period of performance or rehearsal, limited to one hour. Total daily period of performance or rehearsal is limited to four hours. Latest permitted time (7.00pm) may be extended by 30 minutes provided that the total numbers of permitted hours (four hours) is not exceeded, the child does not suffer and the reason for the extension is outside the control of the licence holder. The licensing authority must be advised.

A child present at a performance or rehearsal for more than four hours must have a minimum of 2 intervals; one hour for a meal and a 15 minute rest period.

A child present at a performance or rehearsal for more than eight hours must have 3 intervals, 2 one hour breaks for meals and a 15 minute rest period.

Meal breaks can be reduced to 30 minutes if the performances or rehearsal are out of doors and the total daily period of performance and rehearsal hours is not exceeded.

Children Aged 5 to 9

Children aged over 5 but under 9 must not be present at a place of performance or rehearsal for more than seven and a half hours (including tuition if required).

Earliest (9.00am) and latest (4.30pm), or 5.00pm if aged 10 or over.

Any continuous period of performance or rehearsal limited to 45 minutes.

Total daily period of rehearsal and performance must not exceed three hours.

A child present at a place of rehearsal or performance for more than three and a half hours must have a minimum of 2 intervals, one hour break for a meal and 15 minute rest period.

Children Aged Under 5

Children aged under 5 must not be present at a place of rehearsal or performance for more than five hours (including tuition if required).

Earliest 9.30am and latest 4.30pm.

Any continuous period of performance or rehearsal limited to 30 minutes.

Total daily period of performance or rehearsal must not exceed two hours.

The remaining time should be for meals and rest.

Night Work

If the authority is satisfied that night work is essential, a child may take part in a performance after midnight and before the permitted starting time. Any hours after midnight are counted to be part of the previous days performing time. There must be an interval of at least sixteen hours before further work can be undertaken. If night work takes place on 2 consecutive nights there must be an interval of 7 days before further night work can take place.

Welfare of the Child

The licensing authority must be satisfied that:

- * The child's education will not suffer
- * The child has no existing medical conditions, that you would make working dangerous
- * The place of performance or rehearsal is acceptable and that
 - o The conditions of the licence will be observed
 - o The licensing authority is also empowered to revoke the licence#

Private Tuition

The school of LEA will decide if private tuition is necessary.

The tutor to be approved by the licensing authority.

The tutor may teach a maximum of 6 children at any one time, except where they are of a similar age when the maximum will be 12.

Matrons - (Chaperones)

The licence holder is responsible for ensuring that the child(ren) is/are supervised at all times and in the charge of an approved matron. The number of children that a licensed matron can look after varies but it is a maximum of 12.

A tutor may act as matron but only for a maximum of 3 children.

The child's parent is the only person who can act as matron without a licence, however they may not look after anyone else's child. A brother, sister or aunt etc does not qualify.

Nurses

You are not required to employ a nurse when filming with children.

Performing Overseas

Any child under the age of 18 must be licensed to perform overseas. This licence must be applied for at Bow Street Magistrates Court. The application form must be requested directly from this court and a hearing date must be arranged. The police in the area, in which the child resides, must be notified at least 7 days prior to the hearing.