

**THE CHILDREN (PERFORMANCES AND ACTIVITIES)(SCOTLAND)
REGULATIONS 2014**

RISK ASSESSMENT – RISKS AND MITIGATION

Introduction

1. In assessing the potential risks that may arise from a child's participation in a performance or licensed sporting or modelling activities, applicants for a licence must take account of all factors potentially affecting the wellbeing of children and young people.

Wellbeing

2. Our understanding of children's wellbeing builds on the rights set out in the United Nations Convention on the Rights of the Child (UNCRC), an international treaty which sets out the guarantees that each and every child must have if they are to enjoy a healthy and happy life. While the UNCRC describes the guarantees that every child can expect, the term 'wellbeing' describes the positive outcomes that children are likely to experience as a result of those guarantees being delivered. This holistic approach to wellbeing includes the need for the child to be safe, healthy, achieving, nurtured, active, respected, responsible and included.

Risk Assessment

3. While participating safely in well-managed performances or activities can have many positive benefits for the wellbeing of children and young people, there is potential for children involved in these activities to be exposed to risks to their immediate safety and longer term wellbeing. For this reason, under Schedule 1 of the Children (Performances and Activities) (Scotland) Regulations 2014, applicants are required to undertake a careful analysis of the risks and potential harms arising from the child's particular involvement in a performance or activity and to put in place measures to negate or mitigate any possible negative impact on the child's wellbeing. A copy of the completed risk assessment must be submitted as part of the licence application process.

4. Individual Needs of the Child

The following must be considered within any assessment of the risks:

- a) Children and young people differ in their vulnerabilities and resilience. Their age, gender, physical and mental capacity, maturity, cultural, ethnic and religious background and their previous life experiences can all affect how they might respond to the specific circumstances and nature of a performance. These must, therefore, be considered when assessing the distinct risks to which individual children might be exposed in consequence of their participation in a performance or activity.
- b) The applicant is responsible for arranging professional or amateur performances or the organisation of, or engaging of a child or young person in a licensed activity.

5. Consent

The following must be considered within any assessment of the risks:

- a) The autonomy and dignity of performers or those taking part in an activity should also be respected at all times. This means that valid consent must be in place throughout the performance or activity and a right to withdraw at any point should be made clear to each participant.
- b) Valid consent may require consent from persons other than the performer or participant, such as parents, or carers. Children of any age should be regarded as competent to give consent verbally or through their 'assent' as displayed in their conduct and willingness to continue in the performance or activity. The behaviour of very young children, in particular, should be monitored for signs of unwillingness to continue. Unlike in England, where the age of capacity is 18, in Scotland the age of capacity is 16, so those over 16, but under 18, may provide sole written consent.
- c) When signs are displayed that assent is no longer being given, the applicant must endeavour to resolve any issues for the child such that they may choose to continue under a different set of conditions. If the child still does not want to be involved, where relevant, only filmed footage taken up until the point of their unwillingness to perform may be used.
- d) Aspects of the performance that have associated risks, and the mitigation measures proposed, should be explained clearly to the child or young person, and other persons consenting to the child's participation in the performance or activity, before the child's consent is sought.

6. Carrying out a Risk Assessment

In carrying out a risk assessment care must be taken to also consider the following risks:

- Injury – environmental hazards
- Ill health – exposure to dangerous materials, environments and potential infection
- Psychological harms – exposure to damaging behaviour and experiences
- Lack of adequate management control
- Lack of competent staff and chaperonage
- Failure to ensure valid consent
- Failure of supervision
- Unsuitable transport arrangements
- Excessive performance demands – with regard to individual characteristics of performers
- Inadequate provision for emergencies
- Unwelcome contact - physical or other invasive /abusive contact.

7. A template for a risk assessment is attached in the Annex to this note.

8. The nature and extent of risks under these headings and any other aspects of the performance or activity that carry additional risk must be described in the licensing application /risk assessment together with the appropriate measures for their mitigation.

9. As risks may change in severity and new risks may emerge in the course of a performance or activity, constant monitoring of risks and mitigation measures is a crucial element in safeguarding children and young people.

**The Children (Performances and Activities) (Scotland) Regulations 2014
Risk Assessment**

PHYSICAL

Risk Category	Potential Harm	Degree of Risk 1 = not present 2 = minimal 3 = moderate 4 = high	Description of Specific Risk	Description of any control measures in place (i.e. actions to decrease risk)	Comments
Falling injury					
Exposure to extremes of temperature					
Exposure to adverse weather conditions					
Injuries from staging scenery					
Participation in stunts					
Other (please specify)					

HEALTH

Risk Category	Potential Harm	Degree of Risk 1 = not present 2 = minimal 3 = moderate 4 = high	Description of Specific Risk	Description of any control measures in place (i.e. actions to decrease risk)	Comments
Infection					
Fatigue					
Dehydration					
Inappropriate diet					
Other (please specify)					

PSYCHOLOGICAL

Risk Category	Potential Harm	Degree of Risk 1 = not present 2 = minimal 3 = moderate 4 = high	Description of Specific Risk	Description of any control measures in place (i.e. actions to decrease risk)	Comments
Emotional content e.g. sex, violence, drug use					
Competition e.g. talent show, sports					
Invasion of privacy					
Other content inappropriate to age of the child					
Stress/coercion					
Peer group activity					
Shock/trauma					
Insult to dignity					
Exposure to occult/supernatural					
Other (please specify)					