



Essential Background Checks for Supporting Artists working in productions involving children

Pact, together with the BBC, Channel 4, Channel 5, ITV and Sky, are committed to safeguarding children working in our industry. As part of the background checks producers already undertake for production staff and freelancers, the broadcasters are requiring an additional measure to protect children and young persons under the age of 18 (under 18s).

On 1st October 2015 we will give agencies 3 months notice that from 1 January 2016 onwards any Supporting Artists (SAs) they supply to work on productions commissioned by BBC, Channel 4, Channel 5, ITV or Sky which involve under 18s (in either speaking or non-speaking roles) must have obtained a basic disclosure certificate which shows that the SA has no unspent convictions for sex offences.

This guidance note explains the new requirement.

What is a basic disclosure certificate?

A basic disclosure certificate is a document containing impartial and confidential criminal history information held by the police that can be used to make safer recruitment decisions. The basic disclosure document will provide details of an individual's unspent criminal convictions, or state that they have none.

Currently, Disclosure Scotland and Access NI are the only official UK bodies authorised to provide basic disclosure certificates for all UK residents.

www.disclosurescotland.co.uk/disclosureinformation/documents/SAMPLE-PADApplicationv13-01072010_000.pdf

www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/accessni-criminal-record-checks/accessni-checks.htm

The Disclosure and Barring Service (the "DBS") in England and Wales does not currently provide a basic disclosure certificate.

What is a production involving children and young persons?

It is the producers' responsibility to inform agencies that a particular production involves children and/or young persons under the age of 18. If under 18s are engaged on a production in any way and at any time, in speaking or non-speaking roles the producer must ensure SAs have had relevant background checks.

Please note that young persons over the age of 16 can obtain basic disclosure certificates. Where under 18s are engaged to work as SAs all adults and young persons engaged as SAs need to have obtained a basic disclosure certificate including the 16-17 year olds.

If you do not consider it necessary to have all SAs disclose their criminal background by way of a Disclosure Scotland/NI Access certificate you must discuss your rationale with your commissioning broadcaster before engaging them.

How are agencies being informed of their obligations?

The participating broadcasters are updating all relevant documentation.

It is also recommended that producers include the following wording as a warranty within their contracts with any agencies:

Agencies must ensure that:

- *a Basic Disclosure certificate has been obtained from Disclosure Scotland/AccessNI for every SA who is to be supplied to work on any programme or film which involves working with children and/or young persons under the age of 18 at any stage during the production. The Agent will not provide any SA who has unspent convictions for sexual offences as contained within the Sexual Offences Act 2003.*
- *a new Basic Disclosure certificate is provided by SAs every 18 months. If within the period between obtaining Basic Disclosure certificates an SA is convicted of an offence under the Sexual Offences Act 2003, the Agent must be informed of this by the SA so that the Agent will not supply the SA's services to a producer.*

Productions and agencies are also advised to include wording on their chits for added reassurance that no offences have been committed since the Basic Disclosure Certificate was issued, such as:

"I confirm I do not have any unspent convictions for sexual offences as contained within the Sexual Offences Act 2003 and I have never been subject to any disciplinary action or sanction relating to vulnerable groups."

Producers are reminded that this additional safeguard does not replace the existing measures in place to protect under 18s and their wellbeing whilst in their care as part of any performance licence and our obligations under the Ofcom Code or otherwise.

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