

BODY OF PERSONS – GUIDANCE NOTES

Child performance and activities licensing legislation in England

What is Body of Persons Approval?

Sunderland City Council has powers under Section 37(3)(b) of the Children and Young Persons Act 1963 to issue an exemption to an organisation which would normally have to license individual children taking part in a performance. This exemption is called a Body of Persons Approval (BOPA). The exemption allows the children to perform without the need for an individual licence to be issued.

If a Body of Persons Approval is granted, this means that the body putting on the performance has been approved to put on a performance involving participation of children, and the children therefore do not need to be individually licensed.

Who can apply for a Body of Persons Approval?

The 2014 guidance entitled 'Child performance and activities licensing legislation in England' states that any type of organization can apply for a BOPA; it doesn't matter if they are a professional company, amateur group, stage or broadcast - as long as no payment (other than expenses) is made for the child to take part.

The organisation responsible for putting on the performance, and for ensuring the safety and wellbeing of the children taking part, applies for the BOPA.

Who can issue a BOPA?

The decision whether to issue a BOPA is at the discretion of the local authority (or Secretary of State). They would want assurance that the body had clear, robust and well embedded policies for safeguarding children

The Secretary of State has the power to issue a BOPA, but will not generally consider applications. This is because the local authority is better placed to assess arrangements made to safeguard children in local activities, to inspect those arrangements and enforce any requirements or conditions intended to protect children.

The Secretary of State will not consider any applications that do not involve a large number of performances with a large number of children across a significant number of local authority areas

Who in an organisation can apply for Body of Persons Approval?

The chair of the group can apply, seconded by another group member. If the chair or seconder or child protection officer changes during the period of the Body of Persons approval, Sunderland City Council must be notified.

What are the criteria for applying for Body of Persons Approval?

In order for an organisation to be able to apply an application for a body of persons exemption (Appendix1) must be completed and the organisation must be able to meet the conditions outlined in the contract of agreement (Appendix 2) . All rehearsals and performances must take place in the area covered by Sunderland City Council, even if that production involves children from other local authority areas. It is the organisation putting on the performance which is approved rather than the individual children.

Does a performance still have to comply with the law?

Yes. A performance will still have to comply with the law. For example, the times that a child can perform, and the requirement to have registered chaperones with the children at the place of performance will still apply. Failure to comply with Children &

Young Persons Act 1963 and the Children (Performances and Activities) (England) Regulations 2014 is a criminal offence, which on conviction carries a maximum penalty of £1,000 or three months imprisonment or both, for each offence.

Remember a BOPA does not authorise absence from school for any child involved in the performances.

Where a performance is taking place under the auspices of a BOPA, the legislation does not require that the child be supervised by a chaperone approved by the local authority; however Sunderland City Council makes it a condition under regulation 5 of the Children (Performances and Activities) (England) Regulations 2014. A BOPA will not be issued unless the organisation provides chaperones.

- Supervision of Children

All children must be chaperoned by their own parent/s or a licensed chaperone with a regulatory requirement of a ratio of 1 adult to 12 children. However, Good Practice, recommends that a male and a female chaperone is available to enable gender issues to be accommodated as well as allowing for continued supervision of the children should it be necessary for a chaperone to deal with individual issues when they arise.

NB: unless the parent is a licensed chaperone they cannot chaperone other children.

**HILDREN IN ENTERTAINMENT RESTRICTIONS IN RELATION TO
ALL PERFORMANCES**

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum number of hours at place of performance or rehearsal (Reg.22)	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal (Reg.21)	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal (Reg.22)	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance or rehearsal (Reg.22)	2 hours	3 hours	5 hours
Minimum intervals for meals and rest (Reg.23)	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes
Minimum break between performances (Reg.23)	1 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes
Maximum consecutive days to take part in performance or rehearsal (Reg.26)	6 days	6 days	6 days

How does an organisation apply for Body of Persons Approval?

An application form can be obtained from the Local Authority Attendance Team by emailing a request to childemployment@sunderland.gov.uk . The application must be submitted **at least 21 days prior to a performance**.

If an organisation is awarded Body of Persons Approval, what happens next?

The organisation will receive a Body of Approval certificate.

The Approval is being awarded on an annual basis the organisation will still need to notify Sunderland City Council's Attendance team each time a performance takes place. The organisation submits the Young Person Body of Person Application 21 days prior to any performance.

The information required on the application form includes the following

- The name, address and date of birth of each child taking part in the performance
- The dates and times of the rehearsals and performances
- The address of the location of each rehearsal and performance

The names and licensing authority of each chaperone who will be accompanying the children taking part and the expiry date of the chaperones licences.

What happens if a group has been awarded the approval, then one or more of the children no longer meet the criteria, for example a child requires time off school to take part in a performance?

If a child no longer meets the criteria an individual performance licence application must be submitted for that child. The Approval may still apply to other children within the group.

What records must the organisation keep?

The notification form which advises the local authority that a performance is taking place.

The following information relating to the days that the children are performing:

- The date of the performance
- The time that the child arrives and leaves the place of performance
- The times that the child took part in the performance
- The time of each rest and meal break
- Details of any injuries or illnesses suffered by a child at the place of performance

This information should be kept for a period of 6 months after the performance has ended.

Can the Body of Persons Approval be revoked?

Yes. Sunderland City Council can revoke the Approval if the organisation does not comply with the Grounds of Approval.

What happens if my application is not approved?

An organisation can submit a new application once any issues of concern have been addressed. The Attendance Team will offer advice and help to address any issues.

Who can I talk to for further information or advice?

The Local Authority's Attendance Team can be contacted either by telephone on 5615817 or email childemployment@sunderland.gov.uk.