

THIS GUIDANCE IS INTENDED TO OFFER GUIDANCE FOR OBTAINING BODY OF PERSONS APPROVAL.

Section 37(3) of the Children and young Persons Act 1963 & Children (Performances & Activities) (England) Regulations 2014

If the performance involves a group of children, the organisation responsible for the performance must apply for performance licences for each child who meets the criteria to require one or may opt to apply to the local authority for a **Body of Persons Approval**. This replaces the need to apply for individual licences from each child's home local authority.

A BOPA may not be issued if the child (or anyone else in respect of the child taking part) is being paid nor if absence from school is required.

There is a sub-section of the legislation which states that:

“where the performance is given under arrangements by a school or by a body of persons approved by the Secretary of State or by the local authority in whose area the performance takes place”.....an individual licence for each child need not be sought.

This is known as “Body of Persons Approval” (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.

Who can apply?

The organisation responsible for putting on the performance and for ensuring the safety and wellbeing of the children taking part must apply

Any type of organisation can apply; 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 and they do not require absence from school.

Restrictions and Conditions

- North Tyneside Council can only authorise BOP Approvals for an organisation in relation to performances taking place in North Tyneside and can do so 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.
- A licence would still be required for a child if payment is made for them to participate
- BOPA does not authorise absence from school – a licence must be sought to authorise school absence
- BOPA cannot authorise performances abroad
- The application should be submitted at least 21 days in advance of the performance

Requisites to obtain a body of Persons Approval from North Tyneside Council

1. No payment is being made to enable the children to participate and school absence is not required.
2. The applicant organisation has a Child Protection Policy (reviewed/updated every 12 months) and a procedure in place for how this is communicated and followed.
3. The organisation has a designated child protection/safeguarding officer.
4. The applicant organisation will carry out a risk assessment for each place of performance.
5. There will be qualified First Aider present at each place of performance and an accident book will be kept and made available for inspection, recording all accidents or incidents that may have occurred.
6. The venue will have clear fire evacuation and critical incident procedures in place. The organisation will be familiar with these procedures and ensure that they are communicated to the persons who have responsibility for the children.
7. Clear, robust and well embedded safeguarding policies and procedures are in place with procedures for checking the suitability of persons who will have responsibility for the children. This includes a recent appropriate Enhanced DBS Certificate, safeguarding training and a basic knowledge of the legislation.
8. The Children (Performances and Activities) (England) 2014 Regulations must be adhered to in every respect with particular regard to designated changing rooms, toilets, performance hours.
9. The applicant organisation has supplied contact details for the person in charge of the organisation.
10. The organisation will have obtained a statement of fitness from the parent of each child
11. A register must be completed and available for inspection noting the arrival and departure time of each child engaged in the performance.

North Tyneside Council will have the right to make any inspection deemed appropriate.

To obtain further information, please contact:

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