

# Body of Persons Approval

## Supporting Information

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## ***What is a Body of Persons Approval?***

A Body of Persons Approval (BOPA) is governed by **The Children and Young Persons Act 1963**.

Under Section 37(3)(b) of the act the Local Authority can grant approval for a BOPA to be issued to an organisation which enables them to engage children in public performances without the need to apply for individual licences for each child. The approval is granted by the local authority where the performance is taking place and will cover all children taking part in the performance even if they do not live within its boundaries.

A BOPA can be granted to an organisation for a single performance or for a series of performances up to a maximum of 12 months. It is not transferable to another organisation or to individual children taking part in a performance organised by someone else.

## ***Who Can Apply?***

Any type of organisation can apply for a BOPA i.e. amateur group, professional company, stage or broadcast. However, certain criteria will need to be met and the organisation will need to demonstrate that they have clear, robust and well embedded safeguarding policies in place to protect children. This will inform the Local Authority's decision and it is at its discretion whether to issue an approval. Applications must be made to the local authority where the performance is taking place at least 21 days prior to the date of the performance.

## ***The Criteria***

To qualify for a BOPA from Birmingham Local Authority the following will need to be met:

- There must be no payment to the children or to anyone else in respect the children taking part in the performance
- No child will be required to be absence from school.
- The organisation has and submits a Child Protection Policy, which is regularly reviewed.
- Local Authority Approved Chaperones are appointed for each performance
- Where a BOPA is being applied for which relates to a series of performances, the organisation will need to have been previously applying for Licences or Exemptions and the Local Authority has no concerns relating to the organisation.

## ***Responsibilities of the Organisation***

- To ensure a signed statement of fitness is received from the parent of each child, taking part in the performance.
- To carry out a risk assessment at each place of performance.
- To ensure a First Aider is present at each place of performance.

- To comply with Regulation 11 and Regulations 15 to 29 of The Children (Performance and Activities) (England) Regulations 2014 (see Page 3).
- To ensure the Local Authority is provided with details of the number of children performing i.e. total number, ages, gender, special needs, details of the role being undertaken etc.
- To ensure the Local Authority is provided with details of each performance, detailing the dates, times, locations and the name of the Lead Person responsible for each performance.
- To ensure all children performing are under the care and supervision of a chaperone approved by a Local Authority at all times.
- To ensure a full register of all children taking part, including their emergency contact details, address, medical needs etc. are held securely and available at the place of performance at all times.
- To ensure the Local Authority is notified of any changes to the performance schedule prior to the date of the performance.
- To ensure Signing In and Out sheets and Daily Record Sheets are completed for each performance.
- To ensure that suitable arrangements are made for any child to get to and from the venue after their performance or rehearsal.
- To permit unrestricted access to any authorised officer of the Local Authority during dress and technical rehearsals or performances taking place at any venue that the organisation uses for such purposes.

***Approval does not allow:***

- Children to perform outside of the permitted hours.
- Children to stay in lodgings unless they have been approved by the Local Authority.
- Children to take part in performances when they should be receiving education, unless that performance is organised by the school.
- Children to be used in performances that may be dangerous, or for children to be trained for dangerous performances.

**Failure to comply with the agreements or conditions outlined in a BOPA is likely to result in the Local Authority revoking the BOPA with immediate effect.**

**To follow are Regulations 11 and 15 - 29 from  
The Children (Performance and Activities) (England) Regulations 2014**

The following can be found in **PART 2** of the Regulations which relates  
to documentation requirements relating to all licences

**Regulation 11 - Records to be kept by the licence holder under section 39(5) of the 1963 Act**

For six months from the date of the last performance or activity to which the licence relates, the licence holder must retain the records specified in—

- (a) Part 1 of Schedule 3, where the licence is granted in respect of a performance; or
- (b) Part 2 of Schedule 3, where the licence is granted in respect of an activity.

**Regulation 15 - Chaperones**

- (1) A licensing authority must approve a person to be a chaperone to -
  - (a) have care and control of the child; and
  - (b) safeguard, support and promote the wellbeing of the child whilst the child is taking part in an activity, performance, or rehearsal or whilst the child is living elsewhere than the place the child would otherwise live during the period to which the licence applies.
- (2) Paragraph (1) does not apply if a child is being cared for by a parent or teacher who would ordinarily provide the child's education.
- (3) The maximum number of children a chaperone may take care of at any one time is -
  - (a) twelve; or
  - (b) where the person approved to act as a chaperone is the private teacher of the child in question, three.
- (4) The licensing authority must not approve a person as a chaperone unless it is satisfied that the person -
  - (a) is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question; and
  - (b) will not be prevented from carrying out duties towards the child by duties towards other children.
- (5) Where a child suffers any injury or illness while under the care of the chaperone, the licence holder must ensure that the parent of the child named in the application form and the licensing and host authorities are notified immediately of such injury or illness.

**Regulation 16 – Accommodation**

- (1) Where a child is required to live somewhere other than where that child would usually live during the period to which the licence applies by reason of taking part in the performance or activity for which the licence is obtained, the licensing authority must approve that place as being suitable for that child.
- (2) The licensing authority's approval may be subject to any of the following conditions—
  - (a) that transport will be provided for the child between the place of performance, rehearsal or activity, and the accommodation;
  - (b) that suitable arrangements are made for meals for the child; and
  - (c) any other condition conducive to the welfare of the child in connection with that accommodation.

### **Regulation 17 - Place of performance and place of rehearsal**

- (1) The licensing authority must approve any place where the child will perform, rehearse or take part in any activity.
- (2) The licensing authority must not approve the place of performance, rehearsal or activity unless it is satisfied that, having regard to the age of the child and the nature, time and duration of the performance, rehearsal or activity –
  - (a) suitable arrangements have been made for –
    - (i) the provision of meals for the child;
    - (ii) the child to dress for the performance, rehearsal or activity; and
    - (iii) the child's rest and recreation, when not taking part in a performance, rehearsal or activity;
  - (b) the place has suitable and sufficient toilets and washing facilities; and
  - (c) the child will be adequately protected against inclement weather.
- (3) The licensing authority may give its approval subject to such conditions as it considers necessary.
- (4) In paragraph (2) (a) (ii), arrangements for a child who has attained the age of five years to dress for a performance, rehearsal or activity are not suitable unless such a child can dress only with children of the same sex as the child in question.

### **Regulation 18 - Travel Arrangements**

The licence holder must ensure that suitable arrangements (having regard to the child's age) are made to get the child home or to any other destination after the last performance or rehearsal, or the conclusion of any activity on any day.

The following can be found are outlined in **PART 4** of the Regulations which relates to restrictions in relation to all performances

### **Regulation 19 - Application of this Part**

The requirements in this Part apply to all licensed performances and to all performances, which are exempted from the requirement to obtain a licence, under section 37(3)(a) of the 1963 Act.

### **Regulation 20 - Employment**

A child taking part in a performance must not be employed in any other employment on the day of that performance or the following day.

### **Regulation 21 - Earliest and Latest times at place of Performance or Rehearsal**

- (1) Table 1 sets out the earliest and latest times a child may be at a place of performance or rehearsal.
- (2) This regulation does not apply where the place of performance or rehearsal is the place where the child ordinarily lives or receives education.

**Table 1**

<i>Age of child</i>	<i>Earliest time</i>	<i>Latest time</i>
Birth to 4yrs	07:00	22:00
5yrs to school leaving age	07:00	23:00

**Regulation 22 - Attendance at place of Performance or Rehearsal and hours of Performance**

- (1) Table 2 sets out the maximum number of hours a child may be at a place of performance or rehearsal, may perform or rehearse in one day and may perform or rehearse continuously.
- (2) When calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, any periods of education required to comply with arrangements approved under regulation 13 must be taken into account, even if that education is provided elsewhere than at the place of performance or rehearsal.

**Table 2**

<i>Age of child</i>	<i>Maximum number of hours in one day at place of performance or rehearsal</i>	<i>Maximum number of hours of performance or rehearsal in one day</i>	<i>Maximum continuous number of hours of performance or rehearsal in one day</i>
<i>Birth until child reaches 4</i>	5	2	0.5
<i>5 until child reaches 8</i>	8	3	2.5
<i>9 to school leaving age</i>	9.5	5	2.5

**Regulation 23 - Breaks on any day on which a child is performing or rehearsing**

- (1) When a child under the age of five is present at the place of performance or rehearsal—
  - (a) any breaks must be for a minimum duration of fifteen minutes, except that where a child is present for four or more consecutive hours, any such breaks must include at least one break of forty-five minutes used for the purpose of a meal; and
  - (b) any break must be used for the purposes of meals, rest, education and recreation.
- (2) When a child aged five or over is present at the place of performance or rehearsal for more than four, but less than eight consecutive hours, the child must have a minimum of:
  - (a) one meal break of a minimum duration of forty-five minutes; and
  - (b) one other break of a minimum duration of fifteen minutes.

- (3) When a child aged five or over is present at the place of performance or rehearsal for eight or more consecutive hours, the child must have:
  - (a) the breaks required under regulation 23(2); and
  - (b) at least one other break of a minimum duration of fifteen minutes.
- (4) Subject to regulation 23(5), a child must have a break of a minimum duration of one and a half hours between the child's participation in consecutive performances where on the same day—
  - (a) the child performs the same part or takes the place of another performer in more than one instance of the same performance including rehearsals, falling within section 37(2)(a) or (b) of the 1963 Act, for which a licence has been obtained;
  - (b) the child is taking part in performances under different licences granted in respect of the child; or
  - (c) the child is taking part in a performance for which a licence has been obtained and in a performance for which a licence is not required under section 37(3)(a) of the 1963 Act.
- (5) Where the earlier performance or rehearsal is less than one hour in duration, and
  - (a) the following performance or rehearsal takes place at the same place of performance or rehearsal; or
  - (b) there is no time required for travel between the earlier and consecutive
  - (c) performance or rehearsal, the break between those performances (or rehearsals) may be reduce to a minimum of forty-five minutes.

#### **Regulation 24 - Minimum breaks overnight**

Subject to regulation 28, a child must have an overnight break of a minimum duration of twelve hours between attendance at a place of performance or rehearsal.

The following are outlined in **PART 5** of the Regulations which relates to restrictions and exceptions in relation to all licensed performances

#### **Regulation 25 - Application of this Part**

The restrictions and exceptions in this Part apply to all licensed performances.

#### **Regulation 26 - Maximum number of consecutive days on which a child may take part in performances or rehearsals**

A child must not take part in performances or rehearsals on more than six consecutive days.

#### **Regulation 27 - Break in performances**

- (1) A child who takes part in performances, other than circus performances, on the maximum number of consecutive days permitted by Regulation 26 for a period of eight consecutive weeks, must not take part in any performance or rehearsal during the fourteen days following the last performance.

- (2) This requirement does not apply if the number of days specified in the licence on which the child may perform is fewer than sixty.

### **Regulation 28 - Night-work**

- (1) Subject to paragraph (2), a licensing authority may permit a child to take part in a performance before the earliest and after the latest times set out in Regulation 21.
- (2) Where a licensing authority permits a child to take part in a performance before the earliest and after the latest times set out in Regulation 21—
  - (a) the number of hours during which the child takes part in a performance between the latest and earliest times must be included when calculating the maximum number of hours that the child may take part in a performance or rehearsal in compliance with Regulation 22;
  - (b) the child must not take part in any other performance or rehearsal until at least sixteen hours have elapsed since the end of the child's part in the performance; and
  - (c) where the child takes part in a performance between the latest and earliest times on two consecutive days, the licensing authority must not permit the child to take part in any further performance in the hours between the latest and earliest times during the seven days immediately following those two days.

### **Regulation 29 - Chaperone Discretion**

- (1) The chaperone in charge of a child may allow that child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in Regulation 21 provided that—
  - (a) the total number of hours during which the child takes part in a performance or rehearsal, including the period not exceeding one hour, does not exceed the maximum number of hours permitted under Regulation 22;
  - (b) it appears to the chaperone that the welfare of the child will not be prejudiced; and
  - (c) it appears to the chaperone that the conditions requiring the child to take part in a performance after the latest time specified arose in circumstances outside the control of the licence holder.
- (2) Where the chaperone allows a child to take part in a performance after the latest time specified in regulation 21, the licence holder must ensure that the chaperone notifies the licensing and host authorities no later than the following day and provides the reason for this decision.
- (3) The chaperone in charge of a child may allow one of the break for meal, required under regulation 23 to be reduced where the child is taking part in a performance or rehearsal outside, provided that —
  - (a) the duration of the break is not less than thirty minutes; and
  - (b) the maximum number of hours during which the child may take part in a performance or rehearsal under Regulation 22 is not exceeded.



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## For More Information

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