

Body of persons approval (BOPA) policy

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1. What is a BOPA?

Swindon Borough Council has powers under the Children and Young Persons Act 1963 S37(3)(b) to issue an exemption licence to a 'body of persons' to enable an organisation to engage children in public performance without the need for separate performance licences to be issued. This is subject to certain criteria being met, and if granted, is known as a Body of Persons Approval.

A BOPA, if granted, removes the need to apply for an individual licence for each child; it is granted to the organisation that is responsible for the performance. The approval is granted by the local authority where the performance is taking place; the local authority can grant the approval even if the children taking part do not live within its boundaries. It is the organisation which is approved not the children i.e. the county council is confirming that the group or organisation is a 'suitable' or 'approved' group and therefore must be certain that the county council have taken every reasonable precaution to ensure the group is indeed a suitable group.

A BOPA will be granted to an organisation for a single production by where no payment is made to the child or to anyone else in respect of the child taking part. A BOPA can be granted if the performance means the child will be absent from school only if the headteacher has authorised the absence and evidence of this is attached to the BOPA application. (See Section 7 for further details)

A BOPA is not transferable to another organisation or to individual children taking part in a performance arranged by someone else. A BOPA cannot be issued in respect of an activity.

A BOPA is not a 'group licence' nor is it an exemption under the 4-day rule.

Applying for and granting a BOPA will reduce the administrative burden for all parties, however the same principles apply in terms of safeguarding the child and ensuring there is proper provision to secure their health and kind treatment. There must be no reduction in safeguarding arrangements.

2. Who can apply for a Body of Persons Approval?

The 2015 guidance Child Performance and Activities Licensing Legislation in England states that any type of organisation responsible for putting on a performance 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, and if the performance requires an absence from school, this is authorised in advance by the Headteacher.

The organisation that is responsible for putting on the performance and ensuring the safety and wellbeing of the children taking part, should apply for the BOPA.

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

3. Who can issue a BOPA?

The decision on whether to issue a BOPA for all performances taking place in Swindon is at the discretion of Swindon Borough Council. In Swindon Borough Council this has been delegated to the Education Welfare Service. The Secretary of State also has the power to issue a BOPA but will not generally consider applications.

4. Does a performance still have to comply with the legislation?

Yes, a performance will still have to comply with the law.

Failure to comply with Children & Young Persons Act 1963 and the Children (Performances and Activities) (England) Regulations 2014 is a criminal offence. If convicted, you would face a maximum penalty of £1,000-, or three-months' imprisonment, or both, for each offence.

5. Supervision of Children

Where a performance is taking place under the authorisation of a BOPA, the legislation doesn't require that every child is supervised by a registered chaperone approved by the council; however, we require to each organisation to demonstrate that they have sufficient, trained, and safely recruited volunteers to work as approved chaperones. All children must be chaperoned by their own parent/s or a chaperone. We require a ratio of 1 adult to 12 children.

Good practice recommends that both a male and a female chaperone are available to enable any gendered 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.

Please note, unless a parent is an approved chaperone, they cannot chaperone any children other than their own.

6. Restrictions and conditions of a BOPA

We can only authorise Body of Persons Approvals for organisations in relation to performances taking place in Swindon. We can do this even if the production involves children from other council areas. This is because it is the organisation putting on the performance, which is approved, rather than the individual children. If there are children involved from other areas, we will share the information with the relevant councils.

A BOPA cannot be used if the child is to be paid for the performance. A Child Performance Licence would be needed for a child if payment is made to them for taking part.

A BOPA will not be granted if the performance requires the child to be absent from school unless the Head of the child's school has authorised the absence and evidence of this has been included in the application.

A BOPA cannot authorise performances abroad and SBC cannot approve performances taking place outside the local authority area.

7. Conditions to obtain a Body of Persons Approval from Swindon Borough 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 with an up-to-date safeguarding qualification.
4. The applying organisation has carried out a risk assessment for the venue being used for the performance(s), and one for the performance itself.
5. There will be a qualified first aider present at the venue(s).
6. There will be sufficient approved chaperones present at the performance(s). The name and address of each chaperone must be provided.
7. The Child Performance Regulations must be adhered to in every respect regarding designated changing rooms, toilets, performance hours, etc.
8. The applying organisation has supplied contact details for the person in charge of the organisation.
9. The applying organisation must provide details of all the children taking part in the production (group participant information) at least 21 days prior to the date of the first performance.
10. A Parental Health Declaration must be completed for each child performing, these should be retained by the organisation.
11. A register must be completed and available for inspection noting the arrival and departure time of each child engaged in the performance.

12. An accident book is kept and made available for inspection, recording all accidents or incidents that may have occurred.
13. The production company must allow the county council access to any performance to carry out an inspection.

8. How does an organisation apply for a BOPA?

You can download and complete the Body of Persons approval application form and contract of agreement.

The application can be completed online via Swindon Borough Council's BOPA Application page. [Apply for Body of Persons \(BOPA\) approval | Swindon Borough Council](#)

Accompanying evidence required:

1. Contract of agreement
2. Risk Assessment for performance and the venue.
3. Child protection policy.
4. Designated Safeguarding Lead's details.
5. Group Participant information form.

9. How will the application be processed?

Upon receipt, our admin team will look through the information provided. If any of the required documentation is missing from the application, they will be in contact to request it.

The application will then be sent to a reviewing officer to ensure that the policies and documents meet the requirements for a BOPA.

Once the reviewing officer is satisfied that the organisation can demonstrate clear, robust and well embedded safeguarding policies and procedures and that all other criteria for the performances are met, the application will be approved.

If final approval is granted the BOPA licence and contract agreement will be issued to the organisation.

10. Will the local authority conduct inspections at performances?

Yes, the local authority can conduct unannounced inspections of performances as stated in the BOPA agreement.

Upon arrival the officer(s) will introduce themselves and verify their identity with their Swindon Borough Council ID badge.

As part of the inspection the education welfare officer may conduct all or some of the following checks:

- Check the sign-in and sign-out register for the children.
- Check on the children to ensure that they are safe and well, they may ask the children questions about the performance or rehearsals.

- Ask questions about the risk assessment and how it has been implemented on the day of performance.
- Speak to chaperones and ask questions about the children and their responsibilities.
- They may ask to see the facilities available to the children during the performance (toilets, changing rooms etc) to ensure that the children are/will be safe to use them.
- Check what first aid provision is available including checking contents of the first aid kit.
- Request a copy of the incidents/first aid log.
- Where additional equipment is to be used by or in proximity to children (pyrotechnics, aerial equipment, gymnastics equipment etc.) the inspector may ask to see specific risk assessments, insurance details and/or maintenance logs.

PLEASE NOTE: If the Education Welfare Officer identifies children that are not correctly licenced or there are safeguarding concerns that present an immediate risk to the children's health or wellbeing that cannot be rectified during the inspection, the Education Welfare Officer can request that the children be collected by their parents and taken home.

The Education Welfare Officer may then refer their concerns to the local authority designated Officer (LADO) or safeguarding service. Following the inspection, the Education Welfare Officer will complete a report of their findings and share this with the Head or Deputy of Attendance and Inclusion. A meeting with the organiser of the event will be arranged.

At this meeting, the chair will make a recommendation using one of the three following outcomes:

- a) The organisation is fully compliant with the conditions of the BOPA. No concerns were raised during the inspection.
- b) The organisation is mostly compliant with the conditions of the BOPA. Some concerns were raised during the inspection, but these were rectified prior to the children's performance.

- c) The organisation is not compliant with the conditions of the BOPA. Concerns were raised that constituted a safeguarding risk to the children and these were not able to be rectified prior to the performance.

The organisation will have ten working days following the outcome of the meeting, to respond in writing to discuss any concerns raised. A follow up inspection may be conducted to ensure that recommendations from the report have been implemented for future performances.

Failure to comply with the request will result in the BOPA licence being revoked and the organisation will be investigated for Failure to Comply with Children & Young Persons Act 1963 and the Children (Performances and Activities) (England) Regulations 2014. If convicted, the organiser would face a maximum penalty of £1,000, or three months' imprisonment, or both, for each offence.