

EDUCATION SAFEGUARDING SERVICE

Children in Entertainment

**Information guide for an
organisation applying to
Kirklees Local Authority for a
Body of Persons Approval,
Application Form and Contract**

May 2020

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A. What is a Body of Persons Approval (BOPA)?

A BOPA is granted to an organisation where a performance(s) is to take place involving children without requiring those children to be individually licensed by their home Local Authority, thereby reducing the administrative burden on the organisation. The BOPA is applied to and issued by the Local Authority where the performance is taking place and covers all children irrespective of the Local Authority in which they reside. It is particularly useful for organisations putting on shows, competitions, festivals etc. involving large numbers of children.

A BOPA may be issued for a specific production or, for organisations that involve children in a number of different productions each year, may be approved for a limited period of time, providing they satisfy Kirklees Local Authority's criteria.

B. Relevant Legislation and Guidance

Children and Young Person's Act 1933 & 1963

Education Act 1996 & 2004

The Children (Performances and Activities) (England) Regulations 2014

Safeguarding Vulnerable Groups Act 2006

Kirklees Council Byelaws

Working together to Safeguard Children 2018

C. Who can apply?

Any type of organisation can apply, whether amateur or professional as long as no payment (other than expenses) is made for the children to take part and the children would not be required to be absent from school for the purpose of rehearsal or performance(s). The organisation arranging the performance is responsible for making the application.

D. How to apply to for a BOPA

The Application Form and Contract of Agreement must be completed, signed and submitted, together with a copy of the organisation's Child Protection Policy/ Safeguarding Policy and any other supporting information to the Child Employment & Entertainment Team for consideration.

For one-off productions, the organisation should submit details of the registered chaperones and the children taking part either within the application form, or at a date prior to the performance agreed by Kirklees Local Authority.

Where an application for a BOPA has been granted for a specified term, the organisation must in addition to the above:

Submit details of each performance under the BOPA, together with a list of the registered chaperones, and details of the children taking part, at least two weeks prior to each performance.

Festivals

Organisers of festivals (dance, drama or music) may be approved for the period of the festival providing they satisfy the above criteria and provide the necessary details of the festival programme, numbers of children taking part and the arrangements in place to safeguard and supervise the children.

E. What happens if the BOPA application is refused?

If the application is refused, the organisation will be informed in writing at the earliest opportunity, with full reasons for rejection and the organisation may then be asked to apply for individual performance licences. Organisations should consider this prior to submitting an application and should ensure that they apply with enough time to resolve any problems. Kirklees Local Authority recommends that at least 21 days is allowed for licences before the first performance.

F. Once the BOPA has been issued

Once an application for a BOPA has been granted the organisation must:

- Display the BOPA certificate prominently at each and every venue it uses for the purpose of rehearsal or performance, together with a statement of the organisation's commitment to protecting children.
- Allow any authorised officer of the Local Authority to have unrestricted access whilst any rehearsal or performance is taking place at any venue that the company uses.
- Ensure all chaperones have their licences available in the event of an inspection.

G. Child Welfare and Safeguarding

The organisation must demonstrate to Kirklees Local Authority that it has clear, robust and well embedded policies for safeguarding children, together with a good understanding of The Children (Performances & Activities) (England) Regulations 2014. It must also have the following in place within the organisation: -

- A regularly updated (every 18 months) safeguarding or child protection policy and procedures (*Working Together to Safeguard Children 2018*).
- A dedicated Designated Safeguarding Officer.
- Detailed and complete records of children involved with the group, including emergency contact details and details of any medical or additional needs.
- An ongoing (updated) list of registered chaperones that meet the requirements of the numbers of children likely to be engaged in their productions.

Kirklees Local Authority considers it to be best practice for the supervision and care of children at performances and events to be provided by Local Authority Registered Chaperones. Some types of events stipulate that each child is looked after and chaperoned by their own parent for the duration of the performance, in which case registered chaperones would not be required. However, in some circumstances it may still be advisable for the organisation to register its staff as chaperones. Please contact the child employment team for advice regarding this.

Keeping children safe is everybody's business!

WHEN IN DOUBT, RING AND ASK!

Kirklees Duty and Advice Team (DAAT): 01484 456848

NSPCC Helpline: 0808 800 500

All concerns are treated seriously. The Local Authority will work in partnership with other agencies where it is required to safeguard a child.

H. Application Process

A complete application includes:

- 1) A completed application form signed and dated by the applicant.
- 2) Designated safeguarding lead details.
- 3) Table within the application completed with the children's details.
- 4) Registered chaperone details.
- 5) Contract of agreement signed and dated by the applicant.
- 6) The organisation's up to date safeguarding policy.

Please return all completed applications to the Child Employment and Entertainment Team either by email or to the address listed in section I.

A BOPA application and contract is included in this pack.

If you are unsure about any aspect of the application process please contact the Child Employment and Entertainment Team on the details provided below.

I. Contact Details

Child Employment and Entertainment Team
Education Safeguarding Service
Kirkgate Buildings
Byram Street
Huddersfield
HD1 1BY
child.employment@kirklees.gov.uk
Telephone: 01484 221919

APPLICATION FOR A BODY OF PERSONS EXEMPTION taking place within the Kirklees Council Boundary

Children and Young Persons Act S.37(3)(b)

Section 1 – Organisation Details

| | |
|---|--|
| Name of Organisation | |
| Registered Address of organisation <i>Including postcode</i> | |
| Tel. No(s) | |
| Email address | |

| | |
|---|--|
| Name of Applicant* | |
| Position in Organisation | |
| Address if different <i>Including postcode</i> | |
| Tel. No(s) | |
| Email address | |

**N.B The applicant must have the authority to agree, on behalf of the organisation, to any terms and conditions set out by the local authority.*

Section 2 - Details of performance

If your application is for a yearly term and you have not arranged any performances, please continue to section 3

| | |
|---|--|
| Performance Title | |
| Address of Venue <i>Including postcode</i> | |
| Date(s) of performance(s) | |
| Time(s) of performance(s) | |
| Description of the performance in respect of which the approval is requested. <i>Please provide a full description about what the children will be required to do.</i> | |

Section 3 – Safeguarding arrangements

| | |
|---|--|
| Name of Person responsible for Child Protection and Safeguarding | |
| Position in Organisation | |
| Address <i>Including postcode</i> | |
| Tel. No(s) | |
| Email address | |

| | |
|---|--|
| How do you ensure your child protection policy is followed throughout your organisation? | |
| What safeguarding training do you provide to those in your organisation who come in to contact with children? | |
| What arrangements do you have in place for the supervision of the children at rehearsals and performances? | |

| | |
|--|--|
| Have BOPA applications been made to other local authorities? <i>If yes, which authorities and dates</i> | |
| Has your organisation ever had a BOPA refused? <i>If yes, which authorities</i> | |

Declaration of compliance with *The Children (Performances and Activities) (England) Regulations 2014*

1. I confirm that no payment in respect of taking part in the performance(s), other than for offsetting expenses, will be made to any young persons or to anyone on their behalf such as a parent/carer.
2. I confirm that the child protection policy for the organisation is attached.
3. I confirm that all the young people's parents/carers have confirmed that they are fit and that their health will not suffer by taking part in the performance(s).
4. I confirm that the Organisation agrees to the terms as set out in the "Contract of Agreement" and "Guidance" attached.
5. I confirm that no child of compulsory school age requires any absence from school to take part in the production.

Applicant Signature: _____

Date:

Print Name: _____

Please send completed application form and signed contract to: Education Safeguarding Service, 2nd Floor, Kirkgate Buildings, Byram Street, Huddersfield HD1 1BY or by e-mail to child.employment@kirklees.gov.uk

CONTRACT OF AGREEMENT

EXEMPTION FROM CHILDREN'S LICENSING BODY OF PERSONS APPROVAL S.37(3)(b) Children & Young Persons Act 1963

| | |
|--|--|
| Name of Organisation | |
| Address of Organisation (including postcode) | |
| Telephone No. | |
| Email Address | |
| Name and Address of person responsible for the production | |
| Position in Organisation | |

The above organisation has applied to **Kirklees Council (the Local Authority)** to be approved as a Body of Persons under s.37 Children & Young Persons Act 1963. If approved, the organisation would be exempted from the need to apply for individual licences for children to perform within the Kirklees Council boundary.

If approved, the organisation agrees to adhere to the following conditions: -

1. No payment will be made to the child or anyone else, on behalf of the child, other than for defraying expenses.
2. No child will be absent from school to take part in a performance given under the Body of Persons approval.
3. The organisation will provide the Local Authority (LA) with details of each performance/rehearsal including the dates, times and location, together with a breakdown of the details of all children taking part – as specified on the BOPA exemption application form - at least 21 days in advance of the first performance unless the LA has agreed to a shorter notice period. Any changes to the performance schedule must be advised to the LA in advance. The organisation will also provide the name and contact details of the lead person responsible for each performance.
4. The organisation agrees to comply with Regulation 11 and Regulations 15 to 29 of The Children (Performances and Activities) (England) Regulations 2014.
5. A risk assessment must be carried out in respect of each place of performance.
6. A first aider is present at each place of performance.
7. The organisation will ensure that an appropriate number of Local Authority approved chaperones (see Reg.15) are engaged to care for the children employed, having specific regard to their sex and age, ensuring that each child is supervised at all times. *(delete as appropriate)*

8. The organisation will ensure that an appropriate number of suitable adults are engaged to care for the children employed, having specific regard to their sex and age, ensuring that each child is supervised at all times. *(delete as appropriate)*
9. The organisation agrees to any authorised officer of the LA having unrestricted access whilst any dress or technical rehearsal or performance is taking place at any venue that the organisation uses for such purposes.
10. The organisation will provide a written Child Protection Policy to the LA.
11. The organisation will obtain a signed statement of fitness from the parent of each child.
12. The organisation will ensure that a list of emergency contact details in respect of each child including any medical issues or additional needs is available at the place of performance.
13. The organisation will ensure signing in and out sheets and daily record sheets are completed for each performance.

CONTRACT OF AGREEMENT

Name of Organisation: _____

Failure to comply with any of the above agreements or conditions is likely to result in the LA revoking the Body of Persons exemption with immediate effect.

Failure to comply with Children & Young Persons Act 1963 s.37 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.

In signing this declaration you agree to the terms and conditions above.

Signed _____

Print Name _____

Position in Organisation _____

Tel No. _____

Date _____