

## **Frequently Asked Questions Body of Persons Approval (BOPA) Children (Performances and Activities) (England) Regulations 2014**

These are some of the questions we are frequently asked about Body of Persons applications and exemptions from child licencing. If you have any further enquiries, please contact child licencing on 01432 260517 or 01432 383342.

### **What is a Body of Persons Approval (BOPA)?**

Under, Children (Performances and Activities) (England) Regulations 2014, Herefordshire Council has the authority to issue an exemption to an organisation that would normally be required to individually license any children taking part in performances. This exemption can allow children to take part in performances without the need for individual licences being applied for. These are known as Body of Persons Approval (BOPA).

### **Who can apply for a BOPA?**

Groups of responsible adults, which usually include community youth groups, amateur dramatic societies and dance groups who work on an amateur basis may apply for a Body of Persons Licence. In this context, the term 'amateur' is defined by no payment being made to any person involved in the performance. You may not apply for a licence as an individual.

### **How long does a BOPA Last?**

The length of a licence is entirely at the discretion of the Herefordshire Council. Typically, organisations will be granted an exemption for 12 months, but this may vary, depending on the organisation. If the organisation does not meet the exemption criteria, BPE may be granted on a per-production basis.

### **Does a BOPA have to comply with the child performance regulations?**

Yes, the law (as outlined in Children (Performances and Activities) (England) Regulations 2014) must still be adhered to for all rehearsals and performances where children are involved. A Body of Persons must ensure that an appropriate number of chaperones are present at all times.

### **What are the criteria when applying for BOPA?**

In order for an organisation to apply for a BOPA, the following conditions must be met:

1. All rehearsals and performances must take place in the county of Herefordshire. If any rehearsals or performances are taking place in other counties, those local authorities must also be approached for approval;
2. Any children taking part in rehearsals and/or performances must not require any time out of school for this purpose;
3. Any children, or persons acting on their behalf, must not receive any payment for their part in the production other than reasonable expenses, where applicable;
4. The organisation must have a completed child safeguarding policy and provide a copy with their application;

## How do I apply for a BOPA?

If you are acting on behalf of an organisation, application forms can be obtained from the Herefordshire Council website ([www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)) or alternatively, by contacting child licencing on 01432 260517 or 01432 383342.

**Any applications for a BOPA must be submitted at least 21 days before the first performance is due to take place.**

## Can anybody apply for a BOPA?

No. The application must be received from the chair or leader of the organisation and seconded by another adult group member. If any of these people change during the time of the licence's validity, Herefordshire Council must be informed as soon as possible. Individuals acting on their own behalf cannot apply.

## What if a child who is covered by a BOPA no longer meets the criteria?

There may be occasions where a child within your organisation no longer meets the criteria for being covered by a BOPA. This may include, but is not limited to:

1. A child is required to miss any time from school for a rehearsal or performance
2. A rehearsal or performance is to be recorded and/or broadcast
3. A child has been involved in a more than four paid performances during the last six months

In any of these circumstances, the child may need to have a full performance licence for that production. It is the responsibility of the organisation to ensure that this is completed.

If you are unsure about whether or not a child may be covered, you should contact child licencing on 01432 260517 or 01432 383342 for advice.

## What happens once a BOPA application has been submitted?

Assuming all necessary information and documentation is provided with the application, a decision will be made whether or not to grant the organisation with a BOPA.

If the licence is granted, the organisation will be issued with a Body of Persons Contract, which will define the group's responsibilities in relation to the children. This must be signed by the chair and both seconders named on the licence's application. Once this has been signed and a copy returned to the Council, a

certificate will also be awarded, which confirms that the BOPA has been granted. Both of these documents will state the period for which the licence is valid.

If the criteria are not met and the licence is rejected, the chair will be contacted to discuss the reasons for this decision being made and support and advice will be offered wherever possible in order to allow the necessary changes to be affected. An organisation may reapply for a licence once any areas of concern have been addressed.

### **Does the Council have to be informed about every production?**

If an organisation has been awarded a fixed-term BOPA, the Council must be notified prior to each production that takes place within that period. The following information must be provided at least **21 days** before the first performance date:

1. The name, address and date of birth of every child involved in the production
2. The name of the school or educational establishment of each child taking part
3. The role being played by the child (this should include backstage and technical roles)
4. Details of rehearsal and performance venues
5. Details of all of the licensed chaperones that will be working with the children

A form is available from child licencing in order to record this information.

If a licence is being awarded on a per-production basis, this information must be provided with the application.

### **Does the organisation need to keep any records?**

The group must keep a copy of both the BOPA certificate and contract available to be viewed by an officer of Herefordshire Council, should the need arise. The following information must also be recorded and kept:

1. The notification form, which advises the Council that a production is taking place
2. Details of the times worked by the children, including:
  - a. The date and time of all rehearsals and performances
  - b. The times that children arrive and leave the venue
  - c. The time children are actively involved (e.g. on stage)
  - d. Details of any breaks taken, where appropriate
3. Details of any illnesses or injuries incurred by the child while present at a rehearsal or performance
4. The dates of any medical examinations requested by the local authority
5. The details of all licensed chaperones responsible for the children during the process (a copy of their licences should be available for inspection by an officer of Herefordshire Council, if necessary)

This information should be kept securely for a period of six months following the end of a production and then be disposed of securely.

### **Can a BOPA be revoked?**

Yes. Herefordshire Council have the authority to revoke any Body of Persons licence if an organisation does not comply with the Body of Persons Contract.