

Approval of a Body of Persons – guidance for local authorities and amateur groups

Introduction

1. This guidance is intended to assist local authorities and amateur groups to make greater use of Body of Persons Approvals. It sets out and builds on the legal framework for Approvals in the Children and Young Persons Act 1963 and the guidance accompanying the Children (Performances) Regulations 1968. It has been produced in response to calls for further guidance to help clarify the process for local authorities and to facilitate greater use of Body of Persons Approvals where appropriate. We would encourage all local authorities to give consideration to issuing such approvals.
2. The legislation allows for a Body of Persons Approval to be granted to an organisation, meaning that individual licences do not need to be obtained for the children who are participating in a performance put on by that organisation. This can helpfully reduce the administrative requirements on both the organisation and the local authority.
3. This guidance is not intended to be unduly prescriptive about the decision-making process a local authority must go through when considering whether a Body of Persons Approval should be granted. It is the starting point for a dialogue between a local authority and an amateur group on how best to ensure that effective but proportionate safeguards can be in place for children and whether a Body of Persons Approval is the most appropriate and effective method of enabling an organisation to put on a production involving children. The final section contains suggestions to facilitate greater use of Body of Persons Approvals.
4. We appreciate that some local authorities will be more experienced than others at assessing such approvals but we would anticipate that where an organisation makes applications to a number of local authorities, those authorities liaise with each other when considering the applications. This may occur when an organisation is putting on a production in different venues which cross local authority boundaries.
5. Finally, it is important to emphasise that appropriate safeguards, should be in place for children involved in all types of performances, regardless of whether licences are required or not. It is the duty of any organisation involving children in performances to take responsibility for such protective measures and seek local authority guidance as and when necessary. We believe that performing can be good for children as it offers opportunities for them to develop talents and self-confidence. But it is important that opportunities are balanced with appropriate safeguards.

Key Facts

What is a Body of Persons approval?

6. Section 37(3) of the Children and Young Persons Act 1963 provides that a licence is not required for a child to take part in a performance if no payment is made (except for expenses) to the child (or any other person) for taking part in that performance AND:

- a) they have not performed for more than 3 days in the last six months or;
- b) the performance is made under arrangements made by a school or;
- c) the performance is made by a body of persons approved for the purpose by the Secretary of State or by the local authority in whose area the performance takes place and no payment is made (except for expenses) to the child (or any other person) for taking part in that performance.**

7. This last exemption is known as a Body of Persons Approval. NOTE: The effect of (a) is to exempt the child from needing a licence for the first four days of performance in any six month period. Some amateur productions may not run for more than four days in a six month period. In such cases, it is important to be aware that the children may, provided they are not being paid and have not participated in any other performances in the previous six months, benefit from exemption (a) and the organisation will not need a Body of Persons Approval in order to avoid obtaining licences.

8. If a Body of Persons Approval is granted, this means that the body putting on the performance has been approved to put on a performance involving participation of children, and the children therefore do not need to be individually licensed.

Who should apply for a Body of Persons approval?

9. The 1968 guidance entitled 'The Law on Performances by Children' states that a Body of Persons approval is intended for amateur productions, for example, entertainments arranged by bodies such as youth organisations, dramatic societies or churches where licences would otherwise be required for children to participate.

Who can grant a Body of Persons Approval?

10. A Body of Persons Approval can be granted either by the relevant local authority, or by the Secretary of State. If a production is taking place in the area of a single local authority or a small number of authorities, the producer would be expected to apply to the relevant local authority or authorities where the production is to take place as they will be in a better position to assess the body's suitability for approval.

11. In exceptional circumstances, for example where a group is putting on

productions across a very large number of local authority areas, they may apply to the Secretary of State for approval. We expect however most applications to be made to local authorities.

Body of Persons Approvals – restrictions and conditions

12. Body of Persons Approvals have the following restrictions and conditions, and amateur groups should be familiar with these prior to making an application. If the circumstances of a production render it inappropriate (or ineligible) for a Body of Persons Approval, then licences should be sought for the children from the local authority in the normal way.

- Local authorities may give approvals on a restricted basis, for example, for a specified period of time or for a specified production, and may withdraw an approval if for instance serious safeguarding concerns arise. We would expect a local authority to discuss any concerns and restrictions on an Approval or the possible withdrawal of an Approval with the relevant group before a final decision is made.
- Only the organisation named in the Body of Persons Approval is authorised to put on performances without the need for applying for individual licences for children – Body of Persons Approvals are not transferable to different organisations. Similarly, Approvals apply to the organisation putting on the performance rather than to individual children. Children would therefore need to be licensed in the normal way if they took part in a performance by another organisation that did not have a Body of Persons Approval.
- A licence would still need to be obtained for a child if they were being paid to participate in a particular performance, even if a Body of Persons Approval had been granted to the organisation putting on the performance (they are only exempt from being licensed if not paid, apart from expenses).
- A local authority can only authorise Body of Persons Approvals for an organisation in relation to performances in the local authority's own area.
- A local authority can provide a Body of Persons Approval for an organisation in relation to a production in its area, 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 Body of Persons Approval cannot authorise absence from school. A licence would need to be obtained as normal to authorise absence from school.
- A Body of Persons Approval cannot authorise an organisation to take the child abroad to perform. A licence application would need to be made in the usual way to authorise a child to perform abroad.

Information to be provided in the application

13. The exact information required is likely to be specific to the approval being sought but it is reasonable to expect that a local authority would require the information below from any group making an application for a Body of Persons Approval. The amount of information is likely to vary, depending on whether the application is for a single production or a series of productions.

- Details of the group, including name, address, an outline of the nature of its purpose and activities and the roles and responsibilities of individuals within the organisation.
- The numbers and age range of children involved in the production(s).
- Details of the production(s) and rehearsals, including date, venue and a short synopsis. (Where a group is applying for an approval covering a period of time, e.g. 6 months, arrangements should be made with the local authority about how and when information about productions can be provided nearer the time of the performance).
- Details of the local authority approved chaperones that are involved with the group.
- Details of the organisation's child protection policies and procedures and relevant training provided to any staff.
- Name and contact details of the nominated organisational representative primarily responsible for safeguarding to liaise with the local authority.

Considering whether to grant an Approval

14. The guidance states that a Body of Persons approval shall only be granted where the body is a reputable one which puts on performances in circumstances of the kind envisaged by Parliament when providing this exemption procedure. (*See 'Who should apply for a Body of Persons Approval'*).

15. There may be a number of ways in which a local authority may wish to assess whether an amateur group is a 'reputable' body and suitable to be given a Body of Persons Approval. We know that some authorities expect a group to successfully apply for and administer licences for a specified amount of time or a set number of productions before they can be considered for a Body of Persons Approval. Other quicker alternatives may include seeking references from other organisations that the group has involvement with or other local authority areas in which they have successfully applied for and administered licences. These and other methods should be given due consideration.

Other factors which may influence whether an Approval can be given and the nature of the Approval:

16. Local authorities may find the following suggestions helpful when considering applications for a Body of Persons Approval. The purpose of this section is to highlight that Body of Persons Approval can be considered as an appropriate response to a variety of scenarios as local authorities have significant flexibility in terms of their approach.

17. For example, if an organisation is not one that is well known to the local authority, a 'per production' approach can be used in the short term, leading to a longer term approval later. This will still allow the local authority to consider the suitability of an organisation for a longer term approval (covering for example, six months or a year) but benefit the organisation by avoiding the need to apply for individual licences for children.

18. The local authority may wish to visit the organisation and see how they would discharge their responsibilities before making a final decision. Alternatively, an authority may wish to take account of any additional safeguarding measures that are in place as a result of an organisation's membership of a trade association such as the Little Theatre Guild or the National Operatic and Dramatic Association. Such Associations will usually provide support and guidance to their members to ensure that they are aware of their responsibilities and share good practice on safeguarding procedures.

19. For longer term approvals local authorities may also suggest a review of arrangements during or after the life span of the approval or vary the approval to meet the needs of particular performances. For example, if one performance involves a large number of children, the organisation may be required to provide additional information about the measures they have in place to handle this. Additionally, if a group wishes to transport children to different venues for performances, the local authority may as a condition of the approval require the group to seek parental consent. Such parental consent need not necessarily be part of the evidence required for application purposes but a responsibility placed upon the group as a condition of approval.

20. Where an application is made but the organisation cannot provide some of the information that is considered reasonable (see paragraph 13 above), a local authority should work with the organisation to discuss what could be done to gain an approval. For example, if there appears to be no evidence that there are safeguarding procedures in place for adults to learn about working with children, the authority could share good practice that has been developed elsewhere. The authority will wish to consider how proportionate levels of safeguards can be established for any particular organisation taking into account the nature and frequency of the performances involving children and the presence of a chaperone (s).