

# City of London of London

## Body of Persons Approval Policy v2

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### REVISION HISTORY

Version	Revision Date	Status	Summary of Changes
V1	December 2019	FINAL	This is a new policy, written in line with national guidelines and local priorities
V2	January 2026	FINAL	Changes to Chaperone requirement and breaks

### DISTRIBUTION

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Websites	FYI Directory and Main website	

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## 1. Overview of Child Performance Licensing Legislation

### Primary Legislation

The Children and Young Persons Act 1933 & The Children and Young Persons Act 1963 is the primary legislation that covers child performance, and this underpins the licensing system. It is this legislation which determines whether a licence is required and gives local authorities the power of enforcement.

<http://www.legislation.gov.uk/ukpga/Geo5/23-24/12>

<http://www.legislation.gov.uk/ukpga/1963/37>

### Secondary legislation

The Children (Performances and Activities) (England) Regulations 2014 came into effect on 6th February 2015.

<http://www.legislation.gov.uk/id/uksi/2014/3309>

## 2. Licencing requirement

Under section 37 of the 1963 Act, a licence must be obtained before a child can take part in certain types of performance and activities in Great Britain.

This includes:

2.1) any performance for which a charge is made, whether for admission or otherwise;

2.2) performances on premises licensed to sell alcohol, for example in a hotel, a pub, a theatre;

2.3) any live broadcast performance, for example a television or radio broadcast, internet streaming;

2.4) any performance recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for public exhibition. For example, a live stage performance recorded for a cinema screening, a feature film, a video or sound recording of a performance on a website. (Note that this does not extend to user generated content, for e.g. where young people or a family record themselves and share it on a website or social media);

2.5) when children take part in sport or modelling for which payment is made (to the child or to someone else in respect of the child taking part) other than expenses.

2.6) 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.

## 3. Exemptions from the licensing requirement for performances

3.1) Exemptions are set out in section 37(3) of the 1963 Act, which only apply where **no payment in respect of the child taking part in the performance is made to the child or another person**, other than expenses. These exemptions do not apply to paid sport or paid modelling. The exemptions are:

- The 'four day rule' - 37(3)(a) of the 1963 Act

If a child has **not performed on more than 3 days in the last 6 months** they will not need a licence for performance on a fourth day. Once a child has performed on 4 days in a 6 month period (in any performance, regardless of whether a licence was in place on any of those days or the child was taking part in a performance arranged under a body of persons approval) then a licence is required for any further performances.

If a child is to be absent from school this exemption cannot be relied upon and a licence will be required. See Section 5.4 Absence from school.

- Performances given under arrangements made by a school - 37(3)(b) of the 1963 Act.

Who is making the arrangements	Is a licence required?
The child's school	No
<p>A school within the meaning of the relevant Education Acts (but which the child does not attend) – this can include: a performing arts school which also provides a child's main education; and a school providing a child's main education working alongside a performing arts school (education is jointly provided), providing each is a school.</p> <p>A child who is home educated could qualify under this exemption if the arrangements for the performance are made by a school. This exemption would not be affected by a broadcaster filming the event as part of an observational documentary – as long as the children are not directed to act in a particular way</p>	No
Dance schools, circus schools, conservatoires and similar organisations where the child is attending purely for training in that performance activity (as opposed to receiving their main education)	Yes (assuming no other exemption applies)
A third party. For example, where children from a school or a number of schools take part in a performance where arrangements are made by a third party such as a broadcasting company or a local authority or arts group i.e. the third party is responsible for the production.	Yes (assuming no other exemption applies)

- Body of Person's Application (BOPA) - 37(3)(b) of the 1963 Act.  
A BOPA can be issued for an organisation for a specific performance or for a limited period of time as set out in the approval, to put on performances involving children.

### 3.2) Who can apply?

- The organisation responsible for putting on the performance, and for ensuring the safety and wellbeing of the children taking part.

### 3.3) Who issues a BOPA?

3.3.1) The decision whether to issue a BOPA is at the discretion of the local authority (or Secretary of State). The City of London of London requires that applicants have clear, robust and well embedded policies for safeguarding children.

3.3.2) The City of London of London can place conditions on any approval as it see fit for ensuring the

wellbeing of children, for example in relation to the travel arrangements and to the hours a child can perform and the breaks they must have.

#### **4. Requirements for a BOPA**

The applicant must be able to demonstrate adequate competency in safeguarding practices. The City of London of London's conditions for issuing a BOPA are listed below:

4.1) Children or young people have performed on three or more occasions, whether licensed or unlicensed in a six month.

4.2) No payment is made to the child or anyone else in respect of the child taking part in the performance (except expenses). If a child (or someone on their behalf) is being paid to take part in a performance (other than expenses), a licence is required.

4.4) The production must have five or more children.

4.5) The production company agrees to comply with Regulation 11 and Regulations 15 to 29 of The Children (Performances and Activities) (England) Regulations 2014.

4.6) The City of London will consider processing an annual BOPA for an organisation who has 3 or more performances scheduled in the City of London.

4.7) If performances are in multiple locations and across multiple boroughs applicants must approach the secretary of state for a BOPA in the first instance.

#### **4.8 Absence from School**

4.8a) A BOPA does not authorise absence from school for any child involved in the performances, however headteachers can authorise absences for performances.

4.8) b) Should a Headteacher determine that a particular child is taking part in a performance, the 'C1' code must be recorded in the school's register.

#### **4.9 Chaperones**

4.9) a) Where a performance is taking place under the auspices of a BOPA, the legislation does not require that the child be supervised by a chaperone approved by the local authority. However, the City of London of London recognises the importance of safeguarding and the wellbeing of children in entertainment settings. Therefore, it is a condition that at least one chaperone present during any production must hold an enhanced Disclosure and Barring Service (DBS) check and have completed recognised chaperone training, unless they are under the direct supervision of either their parent or a teacher from their school or their home tutor.

Any additional chaperones must be made up of other adults who hold enhanced DBS checks and are deemed suitable to support the children involved.

4.9) b) The production company must ensure that supervision arrangements take into account the sex and age of the children involved, ensuring that each child is adequately supervised at all times. As a minimum standard, there must be at least one responsible adult per 12 children (1:12 ratio).

4.9) c) Chaperones must have details of all children they are supervising, including emergency contact details and keep a record of the times of arrival, performances, breaks and departure.

4.9) d) Chaperones must have sight of the children they are supervising **at all times**.

#### 4.10 Restrictions in relation to all performances

The following timings apply where the child is at the at the place of performance or rehearsal, which are based on statutory timings.

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum number of hours at place of performance or rehearsal	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance or rehearsal	2 hours	3 hours	5 hours
Minimum intervals for meals and rest	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.
Education	N/A	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.

Minimum break between performances and rehearsal	1.30 hour	1 hour 30 minutes	1 hour 30 minutes
Maximum consecutive days to take part in performance or rehearsal	6 days	6 days	6 days

#### **4.11 Variation to restrictions on all performances**

*Section 23 (4) & (5) of the CHILDREN AND YOUNG PERSONS, ENGLAND The Children (Performances and Activities) (England) Regulations 2014 states that:*

#### **Performances and Rehearsals – Break Requirements**

If a child takes part in the same role more than once during the same day, is involved under more than one licence, or takes part in both licensed and licence-exempt performances or rehearsals, the following rules apply:

- (a) There must be a minimum break of 1 hour and 30 minutes between performances or rehearsals.
- (b) If the first performance or rehearsal is less than one hour, and they both take place at the same location or no travel time is needed, the break may be reduced to a minimum of 45 minutes.

Additions to *Section 23 (5)* as follows:

- (c) If the first or second performance or rehearsal is less than one hour, and they both take place at the same location or no travel time is needed, the break may be reduced to a minimum of 45 minutes
- (d) If the first or second performance or rehearsal is less than one and a half hours, and the next one takes place at the same location or no travel time is required, the break may be reduced to a minimum of one hour.
- (e) If both the first and second performance or rehearsal are less than one hour, and they both take place at the same location or no travel time is required, the break may be reduced to a minimum of 30 minutes.

#### **4.12 Other Requirements**

4.12.1) The applicant must have an adequate and active child protection policy in place.

4.12.2) The applicant must have an adequate Disclosure and Barring Service policy.

4.12.3) The applicant must submit all required documents and information at least 10 working days prior to the performance taking place. The application and contract must be signed by an appropriate person who has safeguarding responsibilities for the children.

4.12.4) A risk assessment must be submitted, which assess the venue, safeguarding and travel arrangements.

4.12.5) The applicant is responsible for maintaining the safety and wellbeing of the children taking part. The applicant must have details of all the children they are responsible for and submit an anonymised list of children with their application. The list must indicate that;

- they have sought signed/confirmed parental declaration that the children are fit and healthy to perform;
- they are aware of any health conditions that children have;
- they check if children and young people have brought their medication with them upon arrival to the venue etc
- they have clarified travel arrangements with parents or guardians, ensuring vulnerable children are dropped off and pick-up by a responsible adult.

The City of London of London will expect to see the full version should an Officer carry out a site visit inspection.

4.12.6) The production company will ensure signing in and out sheets and daily record sheets are completed for each performance.

4.12.7) The production company 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.

4.12.8) A first aider is present at each place of performance.

## **5. BOPA Compliance**

5.1) The production company agrees to any authorised officer of the City of London of London to having unrestricted access at any dress or technical rehearsal or performance is taking place at any venue that the production company uses for such purposes.

5.2) The City of London of London will review concerns raised against a production company and may not issue future BOPAs based on the outcome.

5.3) 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.

5.4) 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.