GUIDANCE - BODY OF PERSONS EXEMPTION

Children & Young Persons Act 1963 S37 (3)(b)

1. Introduction

1) The Body of Persons approval is available to organisations including amateur organisations, who have children taking part in their productions, to reduce the administrative burden by exempting them from the need to obtain individual performance licences for the children. It may also be useful for organisations who currently use the exemption known as ‘the four day rule’ (S37(3)(a) of The Children and Young Persons Act 1963) because when performances are given under the Body of Person’s Approval the organisation is not required to check the number of performances each child has or will do during the 6 months preceding that organisation’s performances.

2) Local authorities may consider issue of a ‘Body of Person’s’ exemption for performances taking place within their authority, where the following circumstances apply:
   a) No payment is being made to the child (nor anyone else) for the child to take part, other than expenses and
   b) The child will not be absent from school to take part.

3) Surrey County Council would encourage amateur groups involving children in their productions which are not professional productions to make use of this exemption when their productions take place in the Surrey Local Authority Area.

4) Where children take part in non-amateur/professional productions, the use of the Body of Persons exemption may not be appropriate due to
   a) the requirement that no payments are made or
   b) where the child is absent from school

2. What criteria need to be met?

1) Where an organisation wishes to take advantage of the Body of Persons exemption approval, it must complete the application form to satisfy this authority that the following are already in place within the organisation:-
   a) That they formally consent to abide by the terms and conditions as laid out in the ‘Contract of Agreement’. (The Children (Performances and Activities) (England) Regulations 2014)
   b) That it has clear, robust and well embedded policies for safeguarding children. (Child performance and activities licensing legislation in England, Department for Education departmental advice February 2015) Surrey County Council believes that this is best achieved by the use of local authority approved chaperones.
   c) That it has a regularly updated (every 18 months) safeguarding or child protection policy (Working Together to Safeguard Children 2015)
   d) That it has a dedicated Child Welfare (Safeguarding) Officer
   e) It has a set of rules of membership and engagement for adults and children, which must include an equal opportunity policy. (Surrey County Council Policies)
f) That it keeps detailed and complete records of children involved with the group, including emergency contact details. (The Children (Performances and Activities) (England) Regulations 2014)

g) That it maintains an ongoing (updated) list of local authority approved chaperones that meet the requirements of the numbers of children likely to be involved in their productions (The Children (Performances and Activities) (England) Regulations 2014)

2) Organisations which satisfy the above criteria, and have signed the ‘Contract of Agreement’, be approved for the specific production only or where they have children taking part in multiple productions in Surrey may be considered for an annual approval.

3) **21 days’ notice of an application for Body of Persons approval or renewal is required.**

### 3. How to apply for a Body of Persons Approval

1) To apply for a Body of Persons approval the following information must be sent to the Child Employment Team (see contact details below)
   a) A fully completed Body of Persons application form available from [www.surreycc.gov.uk/childemployment](http://www.surreycc.gov.uk/childemployment)
   b) A copy of the organisation’s Child Protection Policy and Procedures
   c) Details of the performance – times, dates, location.
   d) Details of the Chaperones supervising the children
   e) Information regarding the numbers, age range and gender split of the children taking part

2) If the approval is rejected the organisation will be informed at the earliest possible opportunity in writing, with full details of the reasons for rejection. The organisation shall then be asked to apply for licences in the usual way.

   If the organisation is dissatisfied with this decision they should lodge a complaint in accordance with the laid down Surrey County Council procedures. Full details of the procedure together with the appropriate forms can be found by visiting the Council website at [www.surreycc.gov.uk/complaints](http://www.surreycc.gov.uk/complaints)

3) If approved, the Child Employment Team will issue the appropriate documentation to the organisation together with a copy of the contract of agreement, signed by the Child Employment Manager on behalf of Surrey County Council

### 4. Where an annual Body of Persons Approval has been granted the organisation must:

1) Advise the Child Employment Team the details of the times and location of all productions in advance of the first performance, during the period of the approval,

2) Provide the Child Employment Team with the number, age range and gender split, of all children taking part including the number of days each of them is performing

3) Provide the Child Employment Team with the rota of chaperones who will be supervising the children taking into account the number of children, their gender and age, for each performance including appropriate rehearsals, as directed by The Children (Performances and Activities) (England) Regulations 2014
4) Where absence from school is required for any child, the exemption is nullified and the normal licensing procedure will be adopted for the child(ren) that require absence from school to take part.

5) The organisation is required to apply for future exemptions annually.

6) A statement of the organisation’s commitment to protecting children must be displayed prominently at each and every venue it uses for the purpose of rehearsal or performance.

7) The organisation must 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.

5. Festivals and Events taking place over Multiple Dates and Venues in Surrey

Organisations who are running events such as Music, Drama, Dance and other such Festivals which involve large numbers of children taking part in multiple performances at multiple venues in the Surrey County Council area, can apply for a Body of Persons Approval which will cover all the children taking part in that event/festival at all the Surrey venues. There is a separate Body of Persons Event/Festival Application form.

To apply for a Body of Persons approval for an Event or Festival:
1. The following information must be sent to the Child Employment Team (see contact details below)
   a) A fully completed Body of Persons (Event/Festival) application form available from www.surreycc.gov.uk/childemployment
   b) A copy of the organisation’s Child Protection Policy and Procedures
2. The organisers of the event or festival should ask the lead person from each of group (dance school, drama group etc) who are entering groups of children in the event or festival, to complete a copy of the Group Participant Information Form available at www.surreycc.gov.uk/childemployment
3. These forms must be returned to the organisers of the event/festival so that the forms from ALL the groups participating can be forwarded to Surrey Child Employment Team 28 days before the first performance.
4. 28 days before the first performance the following additional information should be forwarded to the Child Employment Team:
   a) Details of the numbers of children taking part in the individual performances. This could be in the form an electronic copy of the published programme
   b) Copies of the Group Participation Information Forms which have been completed by the responsible person for each of the groups taking part in the Event/Festival
   c) Details of the Chaperones supervising the children

6. Child Employment Team Contact Details

The Child Employment Team
Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ
Telephone: 01483517838
Email: childemployment@surreycc.gov.uk
www.surreycc.gov.uk/childemployment