

# GUIDANCE - BODY OF PERSONS EXEMPTION

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



### 1. Introduction

1.1 The Body of Persons approval is available to organisations including amateur organisations, who involve children 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 of benefit to organisations who currently use the exemption under S37(3)(a) of The Children and Young Persons Act 1963 – otherwise known as ‘the four day rule’, because when performances are given under a 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 the organisation’s performances.

1.2. Local authorities may consider issue of a ‘Body of Person’s’ exemption where the following circumstances apply:

- No payment is being made to the child (nor anyone else) for the child to take part, other than expenses and
- The child will not be absent from school to take part.

1.3. Surrey County Council would encourage amateur groups with children in their productions to make use of this exemption where possible.

1.4. Where children take part in non-amateur or professional productions, the use of the Body of Persons exemption may not be appropriate due to

- the requirement that no payments are made or
- where the child is absent from school

### 2. Process for applications

2.1 Where an organisation wishes to take advantage of the Body of Persons exemption approval, it must first satisfy this authority that the following are already in place within the organisation:-

- 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)
- 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 2015) Surrey County Council believes that this is best achieved by the use of registered chaperones.
- That it has a regularly updated (every 18months) safeguarding or child protection policy and procedures (Working Together to Safeguard Children 2015)
- That it has a dedicated Child Welfare (Safeguarding) Officer
- 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)
- 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)
- That it maintains an ongoing (updated) list of registered chaperones that meet the requirements of the numbers of children likely to be engaged in their productions (The Children (Performances and Activities) (England) Regulations 2014)

2.2. Organisations may be approved for the period of the performance providing that they satisfy the above criteria, sign the ‘Contract of Agreement’ and provide the necessary details of the performance(s), chaperones and children taking part.

2.3. Organisations that involve children in a number of different productions each year, may be approved for a period of twelve months providing they satisfy the above criteria and sign the ‘Contract of Agreement’ The required details of each performance and the chaperones and children taking part must then be provided at least 2 weeks in advance of each production.

2.4. Organisers of Festivals (Music, Drama and/or Dance) may be approved for the period of the festival providing they satisfy the above criteria, sign the Contract of Agreement 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.

**2.4. 21 days' notice of an application for Body of Persons approval or renewal is required.**

### **3. Process for administering Body of Persons applications**

3.1. To apply for a Body of Persons approval complete the Body of Persons application form available from the Child Employment Team (see contact details below) or from [www.surreycc.gov.uk/childemployment](http://www.surreycc.gov.uk/childemployment) The form plus a copy of the organisation's Child Protection Policy and Procedures should be sent to the Child Employment Team for consideration by the Child Employment Manager

3.2.1 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)

3.2.2 If approved, the Child Employment Team will issue the appropriate approval letter and copy of the contract of agreement, signed by the Child Employment Manager on behalf of Surrey County Council

### **4. Once an application for a Body of Persons Approval has been granted the organisation must:**

- Display prominently at each and every venue it uses for the purpose of rehearsal or performance, 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.
- Apply for future exemptions for each performance/production involving children, as appropriate and according to Surrey County Council child performance procedures.

### **5. Where an application for a Body of Persons Approval has been granted for a period of one year, the organisation must in addition:**

- Advise the Child Employment Team the details of the times and location of each production during the period of the approval, in advance of the first performance date for each production.
- Provide the Child Employment Team with the details of all the children taking part including names, dates of birth and addresses (or postcodes) and the number of days each of them is taking part in that production. Any changes to the performing schedule must be advised in advance or as soon after as is practicable and in any event within 72 hours
- 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
- Where absence from school is required, the Body of Persons Approval may not be appropriate in which case the normal licensing procedure should be adopted for that child(ren).

### **6. Child Employment Team Contact Details**

For further information or to submit an application form, the Child Employment Team can be contacted at:

Office: Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ

Telephone: 01483517838

Email: [childemployment@surreycc.gov.uk](mailto:childemployment@surreycc.gov.uk)

[www.surreycc.gov.uk/childemployment](http://www.surreycc.gov.uk/childemployment)