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| **Children and Families Directorate**  Children’s Rights, Protection and Justice Division  T: 0131-244 5486  E: Gita.Sharkey@gov.scot |  |
| Louise Kelly  Complaints and Compliance Manager  Girlguiding 17-19 Buckingham Palace Road  London  SW1W 0PT |  |

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19 July 2021

Dear Louise

Thank you for your e-mail of 21 May 2021 enquiring about a renewal for a Body of Persons Approval (BOPA) for Girlguiding. I am responding as an official with responsibility for licensing arrangements linked to child performances.

Having reviewed your request, and having received confirmation from you that the performances to be made and procedures followed by the Girlguiding Association are in line with those previously awarded a BOPA, I am pleased to confirm Body of Persons Approval for your organisation on the following terms:

The Scottish Ministers in exercise of their powers under section 37(3)(b) of the Children and Young Persons Act 1963 hereby confirm Body of Persons Approval for Girlguiding from today’s date until 19 July 2023, subject to the following conditions:

* The Body of Persons Approval applies only to gang shows, pantomimes and other amateur productions as outlined in your correspondence of 1 June 2021
* All appropriate risk assessment processes have been followed, including any travel arrangements. If a large trip or overnight stay is required, a Residential Event Notification (REN) form must be signed.
* Any absence from school by the children participating has been properly authorised and consent has been given beforehand.
* Relevant child protection policies be fully applied in relation to all activity involving children and young people, both in preparation for, and delivery of any performance by children under the terms of this Body of Persons Approval.
* Girlguiding report all and any cases of suspected abuse or malpractice relating to anyone involved in Girlguiding to the police and any other relevant authorities immediately, and any safeguarding incidents must be dealt with in line with the Girlguiding procedures. In any such case, the Girlguiding must also notify the Scottish Ministers that a report has been made and Scottish Ministers may request such other information as they may reasonably require to assure them that all child protection policies, procedures and processes have been adhered to in relation to the incident.
* With reference to all the above points, local groups must provide information to the Child Protection Officer of Girlguiding on each occasion that a performance is planned (e.g. an annual gang show). This information should be recorded and maintained by Girlguiding’s Safeguarding Team, for the duration of the period of time that the BOPA is granted to Girlguiding.
* Given the evolving nature of the current Covid-19 pandemic, Girlguiding should continue to keep abreast of relevant updates to laws and guidance in Scotland, and consider how it applies to them and their participants, ensuring that public health measures are adhered to. As well as bearing in mind the [latest guidance for the general public](https://www.gov.scot/collections/coronavirus-covid-19-guidance/) (for example, the levels are not the same in all local authority areas), organisers should consider the [organised activities for children guidance](https://www.gov.scot/publications/coronavirus-covid-19-organised-activities-for-children/pages/overview/), and may also find the guidance on [film and TV production](https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-film-and-high-end-tv-production/), and for the [events](https://www.gov.scot/publications/coronavirus-covid-19-events-sector-guidance/), [performing arts and venues sectors](https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-the-performing-arts-and-venues-sector/pages/overview/) useful. Furthermore it is important to note that while some activities may be allowed to operate by law, we would advise organisers to consider whether certain activities should not take place if there are concerns about specific risks.

You will be aware, the child performance licensing system in Scotland was revised in 2014 and that [The Children (Performances and Activities) (Scotland) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/372/made) came into effect on 20 February 2015.

While these provisions do not directly affect the Body of Persons Approval, the non-statutory [Guidance](https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2014/01/young-performers-licensing-guide-for-local-authorities/documents/young-performers-licensing-guide/young-performers-licensing-guide/govscot%3Adocument/Young%2Bperformers%2B-%2Blocal%2Bauthority%2Bguidance.pdf) may be of assistance to you in highlighting current good practice, for example in relation to breaks/’working’ hours as well as information about BOPAs for those applying and those granting them.

You may wish to note that the Scottish Government’s National Child Protection Guidance is currently being revised to ensure consistency with the legislative and policy framework and current practice developments. You can access the draft National Guidance for Child Protection in Scotland at: [National guidance for child protection - revised: consultation - gov.scot (www.gov.scot)](https://www.gov.scot/publications/consultation-revised-national-guidance-child-protection-scotland-2020/). A consultation on this draft Guidance ended on the 21st of January and publication of the finalised version is expected in the coming weeks.

I hope this response is helpful and would like to take this opportunity to wish you and the children and young people involved every success with the events you have planned.

Yours sincerely

**Gita Sharkey**

Child Rights Unit