

Children's Wellbeing and Schools Bill: Committee call for evidence

Requirement for a reference of young performer absence for professional engagements

The Children's Wellbeing and Schools Bill includes a requirement for Local Authorities to have and maintain a Register for children out of school (s.25). This duty on Local Authorities sets out what the Register must include, how and which information is provided and how it can be shared, penalties for non-compliance and creates a duty on Local Authorities to provide support to parents on the Register. However, as it stands there is no recognition of children out of school for positive engagements such as performing, who could be receiving education as part of that engagement. If the Bill continues without this inclusion, it has the potential to negatively impact our industry as it will cause problems regarding how children out of school for performance (and therefore receiving education away from school) are processed and ultimately safeguarded. As our sector has seen a huge leap in the number of children engaged in the last few years, and with some major productions centred around children planned for this year (Harry Potter), if this is not considered it could be disastrous for the education and safeguarding of young performers.

At present licensing for young performers to be away from school is provided by a number of different authorities without any connectedness. This means that a young performer could have back to back licences to be away from school, and with no overview of their absences, it may mean that education is not being provided during that time away. A single Register requiring those absences to be recorded will, for the first time, ensure that an accurate record of those absences can be maintained and with it, provide some understanding of what education away from school ought to be provided. Much of what is in place has either developed organically or has been co-opted from legislation not intended for use in that way. While the sector has taken steps to introduce Codes of Practice, and agents have worked to protect their clients as far as they can, child performers are still vulnerable to exploitation or endangerment. With an increasing amount of work for children in the sector and an increased number of touring productions that rely on having child performers, there is a real risk that some may be working without sufficient safeguards or getting the correct educational provision.

The legislation should provide that the Register should be available to all licensing authorities (Magistrates, Local Authorities and Schools) to create an accurate picture of what the child is doing. It is a real problem sometimes when different licensing authorities grant licences without knowing other licences have been granted which means a child may not get the statutory required breaks, or education support because they are continuously working but on different licences. There is no joined up thinking. A Register, if done properly, will be able to provide that connectedness and provide better education and safeguarding for those young performers.

We would also propose that different codes are used in the Register to denote different reasons for absence, thus preventing absence for performance being added to a school's record for other types of student absences that might be seen as negative. Agents are already concerned that schools could refuse absences preventing the positive opportunity for that young person. This already happens in schools where authorisation is rescinded when attendance reaches a point determined by the school rather than considering the overall picture of the child and some

officers are reluctant to advocate for the child. Likewise, if it is not clear in the regulations schools may take it upon themselves to determine when the details required by the Register applies to children under licence and potentially begin to withhold approvals until the information required by the register is received regardless of if regulations state otherwise.

There is precedent for a different coding and prior to August 2024, if there was tuition in place approved by a Local Authority a positive attendance mark was recorded. We want a similar approach for young performers.

A Register is also important because it will provide an accurate picture of what a young performer is doing. They have a huge spectrum of absence from school ranging from a few hours for an audition to in some cases multiple months at a time. An audition is not covered within the regulatory framework but rehearsals/preparation for broadcast would be and should only be granted absence if regulated and properly licensed. In addition, flexibility for schedule adjustments, sickness, talent availability and so on will be key.

The multiple licensing authorities is an added layer of complexity and currently S.4 is crucial because it makes reference to the Children's Act 2004 stating that multiple safeguarding partners should make arrangements to work together to identify and respond to the safeguarding needs of children. Regardless of a Register or not this is a huge safeguarding failing. An education Register (after a designated period of time where the parent is not present) if administered correctly for our industry would be a leap in the right direction

Local Authorities approve time away from school but there is no single system and success or delays are dependent on the performer's Local Authority and the processes they have in place. There is anecdotal evidence that some casting professionals will opt to not engage performers from certain areas because of the difficulties obtaining permissions from their Local Authority. If the process was centralised administratively but maintained by local enforcement, that would reduce administrative burdens and improve efficiency, and provide a level playing field for all aspiring performers regardless of home address. A single point of entry for licensing and chaperone vetting would also allow Local Authority resources to be reallocated to provide target inspections where needed. In addition, where appropriate, councils should be given other powers to secure compliance, using fixed penalties, improvement and prohibition notices to require those in scope to improve their practices to meet the requirements of the legislation within a specified time period (as used in Covid regulations); or to make legal undertakings to change behaviour.

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