

**Child Performers**

Child performers face both safety and financial issues that fall within the Government Departments for Culture, Media and Sport, Education, Business and Trade, HM Treasury, Local Government, and when travelling abroad, the Foreign Office.

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.

**Current responsibilities**

Local Authorities are charged with the responsibility of approving time away from school for performing. There is no uniform system for this and success or delays are dependent on the performer's postcode. Of interest here is the proposed Children’s Wellbeing Bill, which will create a duty for Local Authorities to maintain Children Not In School Registers (see p63) -

<https://assets.publishing.service.gov.uk/media/6697f5c10808eaf43b50d18e/The_King_s_Speech_2024_background_briefing_notes.pdf>

This has the potential to introduce a uniform way of working for Local Authorities in how they treat child performers. It is unlikely that, at this stage, it has been something the Government plans to address. It can make a real difference as to where a child performer lives as to whether they are able to get permission to be away from school, and there is anecdotal evidence that some casting professionals will opt not to engage performers from certain areas because of the logistics of obtaining permissions from that local authority.

However, this is hampered by the way performance is defined in legislation and with regard to children, there is no reference to ‘for profit’ which makes it difficult when looking at these performers as workers.

**Issues:**

1. Safety - chaperones

There should be a national standard and training for chaperones to ensure consistent safeguarding across the industry. Both the Agents of Young Performers Association and CIISA, as well as chaperones themselves, are working on developing codes of practice for this work. In addition, there is a role for licensing to cover all aspects of a child's performance, including rehearsals and international work, to ensure that young workers are properly supervised and safe. Without industry standards that are both enforceable and can be checked, these performers are at a real risk of being put into unsafe situations.

1. Regulatory

Existing regulatory frameworks are overly bureaucratic and not aligned with industry needs, which leads to a lack of efficiency. If the process was centralised administratively but maintained by local enforcement, that would reduce administrative burdens and improve efficiency. 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. An example of this is [**Schedule 5 of the Consumer Rights Act 2015**](https://www.legislation.gov.uk/ukpga/2015/15/schedule/5) covering investigatory powers, which sets out a standardised set of enforcement powers that local services are used to using and which have often been lifted and shifted into or referenced in other regulatory legislation.

In addition, where appropriate, councils should be given other powers to secure compliance, for example to issue 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.

1. Financial

Financial abuse is also a real issue for performers who may be working on zero hour contracts or parents drawing money from their earnings. There have been cases where a child performer has turned 18 and despite working for years, there are no savings from their earnings left for them to access. This is rare, but there are situations where a parent or guardian acting as their manager has managed their money and in doing so has misappropriated much of the funds.

California provides financial protection for child performers through a law establishing Coogan accounts. These accounts are in effect a trust-style account (similar to pre-18 ISAs) that hold a portion of the child performer's earnings until they are 18 and can access it.

A Coogan account has specific rules designed to protect the financial interests of minor performers:

* Mandatory Allocation: 15% of the child actor's gross earnings must be set aside in this account.
* Employer's Obligation: Employers are legally bound to deposit that portion of the child's earnings directly into the Coogan account within 15 days of employment.
* Strict Withdrawal Restrictions: The funds are untouchable until the child turns 18, becomes legally emancipated or if a court order is received.
* Account Setup: Parents or guardians must set up the Coogan account within seven business days of the child commencing employment.
* Usage of the Remaining Earnings: The other 85% of the earnings not deposited into the Coogan account can be used for the child's living and educational needs and career-related expenses.
* State-Specific Laws: Requirements for Coogan-style accounts can vary from state to state, so consult with an expert to learn more about your state's laws.