

TITLE OF REPORT: Work Permits for the Employment of Children

REPORT OF: Caroline O'Neill Strategic Director Care, Wellbeing and Learning

Summary

The employment of children under the age of 16 is set out regulated through DfE guidance and local byelaws. This report sets out the work that Gateshead does in ensuring the welfare and safety of those young people under the statutory school age who are in part time employment.

Background

1. The DCSF document *Guidance on the Employment of Children* (2009) provides information regarding the employment of children under school leaving age supported. The guidance states that a child reaches the **school leaving age** on the last Friday in June in the school year in which the child has his/her 16th birthday. This applies to maintained, independent schools and academies.
2. The Education and Skills Act 2008 general requires young people to continue to participate in education or training post-16 from 2013 (until 17 from 2013 and until 18 from 2015). This does not necessarily mean staying at school and young people able to work, provided they are learning as well. Participation could be through school, college, work based training or part-time training if they are employed full time.
3. The rules which cover the employment of children under the school leaving age are mainly found in the Children and Young Persons Act 1933. In addition there are rules in local authority byelaws made under the Children and Young Persons Act 1933. In 1998, the Department of Health published model byelaws. Many authorities have made byelaws which broadly follow this model although some authorities have departed from it to suit local circumstances. So employers will always need to check the position about byelaws with the local authority before employing a child.
4. As well as employment in its normal meaning, the Children and Young Persons Act 1933 states that *a person who assists in a trade or occupation carried on for profit* is considered as employed even though he or she may receive no payment. So the rules in the Children and Young Persons Act will apply where, for example, children help their parents in a shop without receiving any payment. In today's circumstances DCSF considers that any occupation where the aim is to make a surplus would be considered as a

trade or occupation carried on for profit so, in DCSF's view, unpaid work at a charity shop would count as employment, but not, for example, unpaid work at a youth club.

5. A child under 14 may not be employed but this rule can be, and often is, relaxed by byelaws to allow the employment of 13 year-old children in certain occupations.
6. A child may not be employed before 7:00 am or after 7:00pm. A child may not be employed before the end of the school day on any day on which the child has to go to school. But this rule can be, and frequently is, relaxed by byelaws to permit an hour's employment in the morning before school starts.

	Daily limit			Weekly* limit	
	School Day	Non-school day Mon-Sat	Sunday (school terms or holidays)	School Term	School holidays
Children under 15	2 hours	5 hours	2 hours	12 hours	25 hours
Children aged 15 and over but under the school leaving age	2 hours	8 hours	2 hours	12 hours	35 hours

*'Week' here is any period of seven consecutive days.

7. The guidance also sets out the type of work children can and cannot engage in, how long they can do it for, when they need to take breaks and holiday entitlement.
8. The model byelaws require work permits for the employment of children under school leaving age. It is the employers' responsibility to apply for the permit. The application (Appendix 1) is signed by both the employer and the young person's parent. In signing the form the parent is confirming that they are in agreement with the employment and that the child is in good health and fit to undertake the work. The employer is confirming the type, place and hours of work and that the required risk assessments have been carried out.
9. Applications are sent to the Local Authority where the employment is (as opposed to where the child lives). In Gateshead applications are sent to the Legal Intervention Team (Education Support Service) marked for the attention of the Senior Education Welfare Officer.
10. When received the officer checks the application ensuring that the type and hours of employment complies with the legislation and local byelaws. If needed they will contact the employer for any clarification and make a site visit if deemed necessary.
11. Once the permit is issued a copy is sent to the employer, to the young person, to their school and to the Local Authority where the young person lives (if other than Gateshead).
12. The Local Authority is also a member of NNCEE (National Network for Child Employment and Entertainment) who hold termly regional meeting where any

issues can be discussed. This allows each LA to ensure that processes and decision are in line with neighbouring authorities

13. There has been a significant decrease in the number of permits issues year on year since 2010/11.

Permits and Licences issued							
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Child Employment Permits	110	88	74	63	54	29	30

14. This decrease is in part due to the fact that the Evening Chronical has changed the structure by which newspaper deliverers are employed.

15. However, in previous years there was an annual letter shot to all potential employers in Gateshead checking whether any children were in their employment, informing them of the legislation around employing children and inviting them to apply for permits if any children were being employed. This exercise has not been feasible over recent years due to staffing levels

Case Study

An application was made by a family butchers to employ a year 11 boy for 4 hours on a Saturday.

Young people should not work in a commercial kitchen or in premises in connection with the preparation of meat for sale as there environments may not be appropriate.

Therefore the LA officer discussed the exact nature and place of the employment with the employer. It was explained that there is no meat preparation undertaken on the premises a Saturday, and that the area the young person would be working in was a small annex away from any potentially dangerous electrical equipment, sharp knives etc. The young person would be making and packing burgers with the use of a 'burger press'.

A site visit was made to meet the employer, see the layout of the shop, the area where the young person would be working, and to identify any risks. The situation was as described by the employer, and the equipment used to press the burgers was similar to one for domestic use. The young person was separate from the area where meat was prepared through the week and not around any potentially dangerous equipment.

Given the age of the child, this was discussed with the senior manager and it was agreed there were no safeguarding issues so a permit was issued.

16. Recently in order to ensure there were no issues from a young persons' perspective the a paragraph has been added to the letter sent to the young person with their work permit, advising them who to talk to if there are any problems in the work place:-

'In the vast majority of cases, young people enjoy the experience of part time working. However, if you have any problems or concerns about your job, your work place or the people you work with, it is important that you speak with an adult you trust, such as a parent or a teacher.'

Conclusion

17. The Senior Education Welfare officer will continue to work with employers, parents and young people to ensure the welfare and safety of our young people who are under the school leaving age when working in Gateshead.

Recommendations

18. Committee members are asked to:
- a. note the contents of this report
 - b. provide comments on the contents of this report

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