

**Permits are available free of charge. For more information please contact Child Employment at:-**

Children and Young People's Service  
North Lincolnshire Council  
Hewson House  
P O Box 35  
Station Road  
BRIGG  
DN20 8XJ

Tel: 01724 297235 or 01724 297139



## **CHILDREN AND YOUNG PEOPLE'S SERVICE**

### **CHILD EMPLOYMENT BYELAWS AND GUIDELINES**

#### **COMPULSORY SCHOOL AGE**

**A child whose 16<sup>th</sup> birthday occurs between 1 September and 31 August (both dates inclusive) is of compulsory school age until the last Friday in June**

#### **CHILDREN AND YOUNG PERSONS ACT 1933 SECTION 18(2) and 20(2)**

Updated May 2008

### Annual Monitoring

Employers will be expected to notify the LEA on an annual basis of young people currently in their employ and those who have ceased to be employed in the 12 month period since the last update. It would be helpful if employers could contact the LEA when a child ceases to be employed.

### Penalties

When a child is employed in contravention of sections 18 and 20 of the Children and Young Persons Act 1933 or of the provisions of any Byelaws made thereunder and in force, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Section 559(1) of the Education Act 1996 imposes restrictions or prohibits a particular employment. Section 559(2) of the Education Act 1996 empowers the LEA to issue a notice on an employer or parent/guardian to provide information relating to a child's employment where it has not been possible to ascertain this. Failure to comply with notices issued under Section 559 of the Act is an offence which carries a fine of up to level 1 on the standard scale or imprisonment for a term of one month, or both.

### Hours and Days of Work

- not before 7.00 am or after 7.00 pm
- not before the close of school hours on any day on which he/she is required to attend school
- maximum of two hours on a school day comprising:
  - (1) one hour beginning not earlier than 7.00 am before the commencement of school hours, and a further period not exceeding one hour between the end of school and 7.00 pm. On school days, employment of children who work both mornings and evenings must be confined to the same employer

OR

- (2) A period not exceeding two hours between the end of school and 7.00 pm
- on Saturdays five hours if under 15 years old and 8 hours over 15 years old
  - school holidays (Monday to Friday) 25 hours maximum per week if under 15 years old and 35 hours per week over 15 years old
  - no child should be employed for more than 12 hours in any week that he/she is required to attend school
  - Sundays - two hours maximum between 7.00 am and 7.00 pm
  - every child must have at least two consecutive weeks without employment per year and these must fall within a period in the year in which the child is not required to attend school
  - the child must have a minimum of one hour break after a four hour period of working on one day
  - a child must produce his Employment Permit for inspection when required to do so by an authorised officer of the authority or a police officer

### Permitted Employment of Children Age 13

A child of 13 may not be employed except in light work in one or more of the following specified categories:

- ❖ agricultural or horticulture work

- ❖ delivery of newspapers, journals and other printed material
- ❖ shop work, including shelf stacking
- ❖ hairdressing salons
- ❖ office work
- ❖ in a café or restaurant
- ❖ in riding stables, kennels and catteries

### Prohibited Employment

No child of any age may be employed:-

- ◆ in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children\*
- ◆ to sell or deliver alcohol, except in sealed containers
- ◆ to deliver milk
- ◆ to deliver fuel oils
- ◆ in a commercial kitchen
- ◆ to collect or sort refuse
- ◆ in any work which is more than three metres above ground or, in the case of internal work, more than three metres above floor level
- ◆ in employment having harmful exposure to physical, biological or chemical agent
- ◆ to collect money or to sell or canvass door to door
- ◆ in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children
- ◆ in telephone sales and canvassing

- ◆ in any slaughterhouse or in that part of any butcher's shop or other premises connected with the killing of livestock, butchery or in the preparation of carcasses or meat for sale, which for the avoidance of doubt includes the dicing and slicing of uncooked meat and other similar operations
- ◆ as an attendant or assistant in a fairground or amusement arcade in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices
- ◆ in the personal care of residents of any residential care home or nursing home

\* This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963, and the associated regulations.

### Risk Assessments

Employers, before employing a young person, must have carried out a risk assessment.

The Management of Health and Safety at Work Regulations 1992 and Health and Safety (Young Persons) Regulations 1997 state that:-

Every employer shall, before employing a child, provide a parent of the child with comprehensive and relevant information on:-

- ❖ risk to his/her health and safety
- ❖ the preventative and protective measures; and
- ❖ the risk notified to him/her in accordance with regulations 9(1)(c)

For further information please contact the Environmental Health on 01724 297604.

### Child Protection

Employers to acknowledge their duty of care towards all young people in their employment and will safeguard and promote their welfare and be mindful of those with whom they may come into contact during their employment and report any concerns to 01724 297235 or 01724 297139.

The law governing child employment exists to ensure that children are protected and not exploited if they have a part-time job while still of compulsory school age.

Employment of children is governed by Law and local Byelaws.

It is the responsibility of employers of children to ensure that:-

- ◆ no child under 14 years of age is employed (a child of 13 may be employed in one of the permitted types of employment listed in the Byelaws)
  - ◆ no child is employed in a prohibited occupation
  - ◆ children are employed for the correct number of hours; and
  - ◆ children are dressed and equipped suitably for the job indoors and out
  - ◆ children are employed only in light work
- the employer must notify the authority within one week of employing a child
  - children are considered to be employed if they assist in a business which operates for profit and if they are paid or unpaid. This also applies to an employers' own children
  - it is the sole responsibility of the employer to ensure a child has an Employment Permit and that the child is employed only in accordance with the details shown on the Employment Permit
  - an employer must produce details of any child in their employment when required to do so by an authorised officer or police officer
  - if a child does not hold an Employment Permit they will not be covered by the employers' liability insurance
  - employers can be prosecuted for employing children illegally
  - the local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe:-
    - ❖ that the child is being unlawfully employed, or that his/her health, welfare or ability to take advantage of his/her education are suffering or likely to suffer as a result of the employment