

EDUCATION SAFEGUARDING SERVICE

Children in Employment

Employment of School Children: Information guide for employers and work permit application pack

April 2020

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A. Children in Employment

Child employment is regulated by statutory legislation and guidance. Children can only be employed from the age of 13 and the restrictions include the type of work and the number of hours that a child can work. These are in place to safeguard children and ensure they are safe in the workplace. A summary of the hours and occupations a child can work can be found on page 5 & 6.

A child is considered to be employed, whether they are paid or not, for their contribution to a business. This would include charity work and voluntary work for the Duke of Edinburgh award. A work permit is required for any child working from the age of 13 until they reach compulsory school leaving age. A child reaches compulsory leaving school age on the last Friday of June in the school year that they reach sixteen.

Kirklees Council is responsible for issuing work permits to businesses within the Kirklees borough, regardless of where the employed child lives. Work permits are issued free of charge. The local authority issues a work permit for each child and this will state:

- the work the child is employed to do
- the days and hours the child is permitted to work

Please note: These restrictions are not applicable for the employment of children for the purposes of work experience under the Education Act 1996.

Kirklees Council will determine whether a premises visit is required prior to a work permit being issued. In addition to this, Kirklees Council may visit an employer to monitor children working.

Kirklees Council will make enquiries into all concerns raised regarding children working and share information with relevant agencies. Further information on visits can be found on page 7.

Any child participating in a performance under the requirements of The Children (Performances and Activities) (England) Regulations 2014 cannot be employed on the day of the performance or the following day.

B. Relevant Legislation and Guidance

Children and Young Person's Act 1933 & 1963

Education Act 1996 & 2004

Children (Protection at Work) Regulations 1998 & 2000

The Management of Health and Safety at Work Regulations 1999

The Children (Performances and Activities) (England) Regulations 2014

Safeguarding Vulnerable Groups Act 2006

Kirklees Council Byelaws

Working together to Safeguard Children 2018

C. Employers Responsibilities

The employer is responsible for ensuring each child they employ has a work permit issued by the local authority their business is located. An employer must apply for a work permit within seven days of employing the child.

The employer is also responsible for:

- the child's health and safety
- the child's welfare and safeguarding
- completing all risk assessments and discussing this with the parent.
- be aware of the limits of a child's capabilities
- be aware of and adhere to the limits of what a child can be employed to do
- be aware and adhere to the hours and days a child can work
- to notify the local authority of any changes to the child's employment or if the employment is terminated

Further information regarding young people working and example risk assessments can be found on the HSE website. (www.hse.gov.uk)

Anyone who knowingly employs a child in contravention of the enactments or local authority's byelaws is guilty of an offence and may be liable to prosecution.

Failure to adhere to the conditions of working days and times, or a child's school attendance being adversely affected by their work may result in the local authority revoking the work permit.

D. Child Welfare and Safeguarding

As an employer, you have a duty of care to any young person under 18 who you employ either in a paid or unpaid capacity.

Any person working with a person under 18 in regulated activity is required to undergo a DBS check. It is an employer's responsibility to ensure DBS checks are completed where necessary.

Kirklees Council offer an umbrella body service to independent businesses to apply for DBS checks. Please contact dbs@kirklees.gov.uk for more information on this service.

Regulated activity is defined by the Department for Education as:

- i. unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;
- ii. work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers.

(Source: D for E, Regulated Activity in Relation to Children: Scope)

Keeping children safe is everybody's business!

Information on recognising the signs of abuse and how to report them can be found on the Kirklees Safeguarding Children Partnership website: www.kirkleessafeguardingchildren.co.uk

Kirklees Safeguarding Partnership offer an e-learning course as an introduction to safeguarding children. It is recommended that every employer completes this before employing children.

WHEN IN DOUBT, RING AND ASK!

Kirklees Duty and Advice Team (DAAT): 01484 456848

NSPCC Helpline: 0808 800 500

All concerns are treated seriously. The local authority will work in partnership with other agencies where it is required to safeguard a child.

E. Application Process

A complete application includes:

- 1) Application form signed by the employer (part 1) and parent (part 2)
- 2) Recent photograph of the child. A new photo is required for every work permit application made for the child
- 3) Confirmation that a Young Person's risk assessment has been completed
- 4) A copy of the Job specification/description

Please return all completed application forms to the Education Safeguarding Service at the address below.

A flowchart of the application process can be found on page 7.

As part of the application process, the local authority will determine whether a premises visit is required. This is to ensure that legislation and byelaws regarding employing children are followed and provide an opportunity for the employer to discuss the child's employment in more detail.

Please find a work permit application attached.

F. Contact Details

**Child Employment Team
Education Safeguarding Service
Kirkgate Buildings
Byram Street
Huddersfield
HD1 1BY
child.employment@kirklees.gov.uk
Telephone: 01484 221919**

Permitted Hours of Working

Age of child	Type of work allowed	School days	Holiday, weekdays & Saturday	Sunday	Total hours of work permitted per week	Annual Restriction (1 Jan – 31 Dec)
13	Only listed occupations	2 hours in total between 7am and 7pm but not during school hours. Only 1 hour can be worked before the start of the school day.	No more than 4 hours without a rest break of 1 hour. Total of 5 hours between 7am and 7pm.	2 hours between 7am and 7pm.	25 hours during non-school holidays. 12 hours during term time (including weekends).	2 consecutive non-school weeks without employment.
14	Light work only (refer to byelaws)	2 hours in total between 7am and 7pm but not during school hours. Only 1 hour can be worked before the start of the school day.	No more than 4 hours without a rest break of 1 hour. Total of 5 hours between 7am and 7pm.	2 hours between 7am and 7pm.	25 hours during non-school holidays. 12 hours during term time (including weekends).	2 consecutive non-school weeks without employment.
15 and 16 but not yet reached school leaving age*	Light work only (refer to byelaws)	2 hours in total between 7am and 7pm but not during school hours. Only 1 hour can be worked before the start of the school day.	No more than 4 hours without a rest break of 1 hour. Total of 8 hours between 7am and 7pm.	2 hours between 7am and 7pm.	35 hours during non-school holidays. 12 hours during term time (including weekends).	2 consecutive non-school weeks without employment.

*The official school leaving date is the last Friday in June in the school year in which the child has his or her 16th birthday.

Permitted and Prohibited Employment

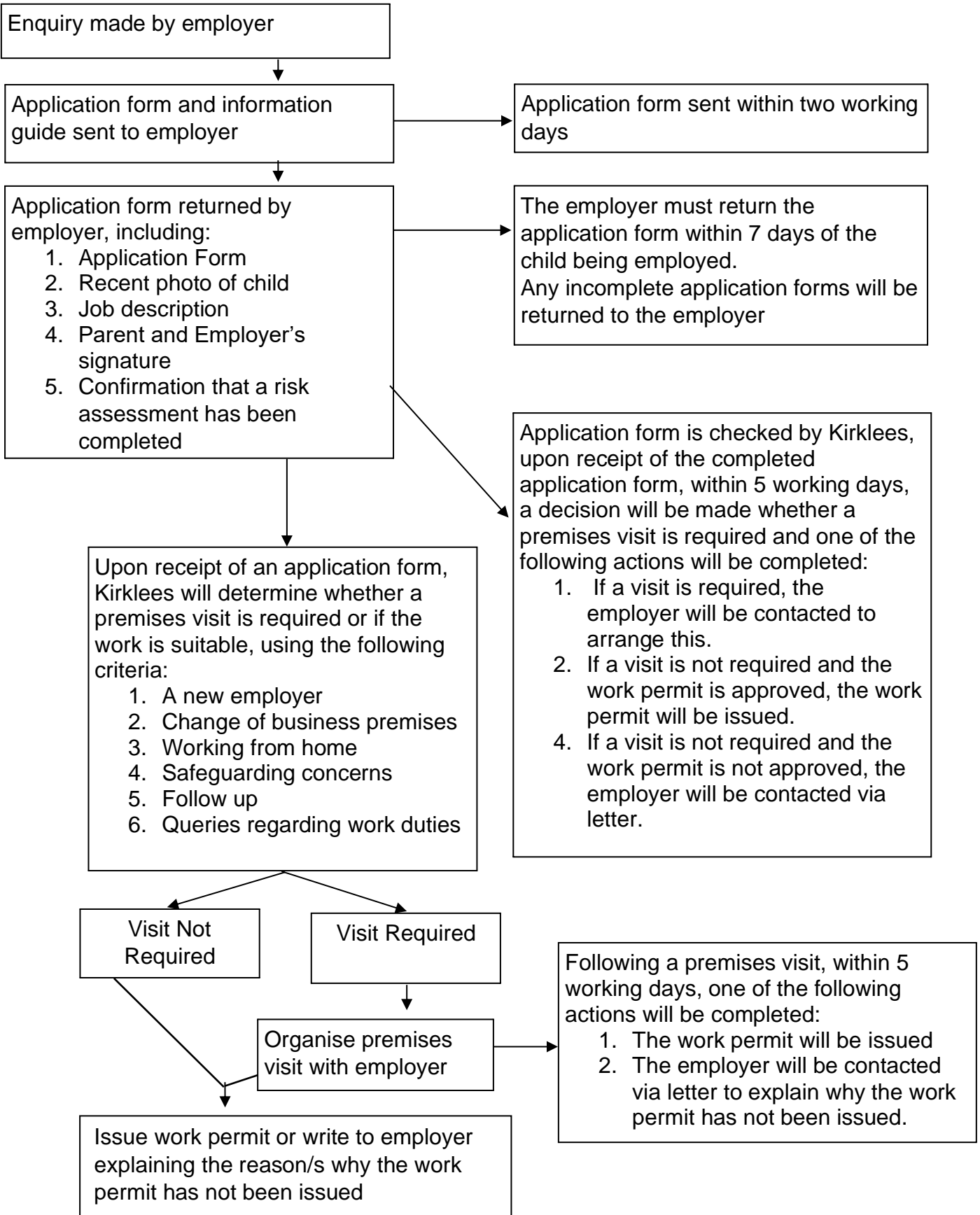
Permitted Employment for 13 Year Olds

- a) Agricultural or horticultural work under the direct supervision of an adult. **(NO MACHINERY)**
- b) Delivery of newspapers, journals and other printed materials.
- c) Shop work, including shelf stacking.
- d) Hairdressing salons.
- e) Office work.
- f) In a café or restaurant; excluding commercial kitchens within the premises.
- g) In riding stables and kennels and catteries.
- h) Domestic work in hotels & other establishments offering accommodation.

Prohibited Employment – No Child Under the Compulsory School Leaving Age may be Employed in the Following:

- a) In a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children. (This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children (Performances and Activities) (England) Regulations 2014 and Children and Young Persons Act 1963).
- b) To sell or deliver alcohol.
- c) To deliver fuel or oils.
- d) In a commercial kitchen.
- e) To deliver milk.
- f) In any work which is more than 3 metres above ground level or, in the case of internal work, more than 3 metres above floor level.
- g) In employment involving harmful exposure to physical, biological or chemical agents.
- h) To collect money or to sell or canvass door to door.
- i) In work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children.
- j) In telephone sales and canvassing.
- k) In any abattoir or in the part of any butcher's shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale.
- l) As an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices.
- m) In the personal care of residents of any residential care home or nursing home.

Work Permit Application Process



Once a work permit has been issued it will be valid for one year. It is the responsibility of the employer to keep a record of the expiry date and apply for a new one if required. The process for renewing a work permit is the same as applying for a new one.

Children & Young Person's Act 1933 & 1963 Employment of School Children – Application for a Work Permit



Section 1 - To be completed by the Employer:

Name of Business	
Name of Line Manager/Employer	
Business Address <i>inc. postcode</i>	
Telephone Number:	
Email Address:	

I confirm I wish to employ a school-age child, as detailed below:

Name of Child:			
Date of Birth:			
Address: <i>inc. postcode</i>			
Education Provision: <i>i.e. School Name/ Home Education</i>		Year Group	
Brief description of child's work/ duties:			
Place of Employment:			
Employment start date:			

Hours and Days of Work:

NOTE: It is the employer's responsibility to ensure that the employment is in accordance with statutory enactments and Local Authority byelaws, including the times and days the child works.

Before submitting the child's working times, please be reminded of these requirements in the table below:

	Daily Limit			Weekly Limit	
	School Day	Non School Day Mon – Sat	Sunday (Term Time or Holiday)	School Term	School Holidays
Children 13 and 14	2 Hours	5 Hours*	2 Hours	12 Hours	25 Hours

Children 15 and 16 but under the school leaving age	2 Hours	8 Hours*	2 Hours	12 Hours	35 Hours
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A child cannot be employed before 7 am or after 7 pm.

* With no more than 4 hours work before a 1-hour break.

(Source: 'Guidance on the Employment of Children', DCSF 2009)

TERM TIME	AM			PM	
	Start	Finish		Start	Finish
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					

HOLIDAY	AM			PM	
	Start	Finish		Start	Finish
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					

Declaration:

Please tick the below boxes to say you have read and agree to the terms of the child's employment:

I hereby make an application for permission to employ the child named above in accordance with the provisions of the Children and Young Persons Act 1933 and Kirklees Council's Byelaws with respect to the employment of children (see page 6 and 7).	
I have carried out a Young Person's Risk Assessment which has been discussed with the child and the child's parent/guardian.	
I confirm that the appropriate Employers' Liability Insurance and where appropriate, Public Liability Insurance is in place.	

Signature of Employer:		Date:	
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Section 2 – To be completed by the Child’s Parent/Carer:

Name of Child:	
Parent/Guardian’s Name:	
Relationship to Child:	
Parent/Guardian’s Contact Number:	
Parent/Guardian’s Email Address:	
Parent/Guardian’s Address, if different from child:	

Medical Details:

Name of Emergency Contact:	
Relationship of Emergency Contact to Child:	
Emergency Contact Telephone Number(s):	
Medical Details/ Conditions: Please give details of any medical details or regular medication the child’s employer should be aware of: Please answer all questions, answering N/A if not applicable	Disabilities:
	Medical Conditions:
	Allergies:
	Medication:

Declaration:

Please tick the below boxes to say you have read and authorise your child’s employment:

I confirm I consent to my child’s employment:	
I confirm that my child is fit to undertake the proposed employment:	
I confirm that my child’s school attendance will not be adversely affected from his/ her employment:	
I confirm that a risk assessment has been discussed with myself and child.	
I confirm I consent to my child’s employment information being shared with their school:	
Signature of Parent/ Guardian:	Date:
If the child, for whom the Work Permit is required, is 16 years old they will need to give their consent for this application to be processed in accordance with The Data	Date

Protection Act 2018. Signature of young person:			
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Please return the completed form and photo to: child.employment@kirklees.gov.uk