

This leaflet explains the legal responsibilities of employers who employ school aged children. The regulations do NOT end when pupils are 16 years old, as they remain 'OF COMPULSORY SCHOOL AGE' until the last Friday of June in their final year of school.

ALL part time employment of school children is subject to Government Legislation, and local byelaws are enforced by the Local Education Authority.

WHAT IS EMPLOYMENT?

EMPLOYMENT IS ANY WORK be it temporary, permanent, paid or unpaid, which is done for a trade or occupation carried out for profit or in any commercial enterprise, e.g. Shops, Businesses, Commerce, Trade.

This **INCLUDES** work done by school children in their parents business or trade.

NATIONAL LEGISLATION PROHIBITS CHILD EMPLOYMENT BY:-

- Licensing Act 1964
- Betting, Gaming & Lotteries Act 1963
- Merchant Shipping Act 1970
- Employment of Women, Children & Young Persons Act 1920
- Offices, Shops and Railway Premises Act 1963
- Agriculture (Safety, Health & Welfare Provisions) Act 1956

This list is not exhaustive.

EMPLOYERS HAVE A LEGAL RESPONSIBILITY TO OBTAIN A WORK PERMIT FOR CHILDREN OF SCHOOL AGE WHICH THEY EMPLOY

REGISTRATION PROCEDURE

Within ONE week of employing a school child, the employer MUST complete the work permit application form (available from the Education Welfare Service) attach a risk assessment as required and return it for processing.

The Education Welfare Service will register and issue a work permit (renewable annually) if:-

- the work and hours comply with the legislation
- the pupil attends a school regularly and on time
- there are no health or welfare concerns

Unregistered children WILL NOT be recognised as employees for insurance purposes. The employers may also face prosecution (up to £1,000 fine) for illegally employing a child.

Darlington Education Authority can legally request and employers must provide details of all school children they employ. Permits can be revoked, given special grounds.

When a permit is issued, it should be retained by the employer and produced on demand to an officer of Darlington Education Authority, or a police officer.

Government Legislation and Darlington Borough Council Byelaws regulate:-

TIMES SCHOOL CHILDREN CAN WORK

During Term Time:
Maximum 12 hrs per week

- between 7 a.m. and 7 p.m. daily but NOT during the school day
- for 2 hours maximum with only 1 hour before school begins
- for 5 hours on Saturdays when 13 or 14 years old
- for 8 hours on Saturdays when 15 or 16 years old
- for 2 hours on Sundays when 13 to 16 years old

They are NOT allowed to work on days when absence from school has been due to illness.

They are NOT allowed to work during school hours or when on study leave.

During School Holidays
between 7 a.m. and 7 p.m. daily

- for 5 hours daily from Monday to Saturday when 13 or 14 years old
- for 8 hours daily from Monday to Saturday when 15 or 16 years old
- for 2 hours on Sundays when 13 to 16 years old
- They can work 25 hours maximum each week if aged 13 or 14 years old.
- They can work 35 hours maximum each week if aged 15 or 16 years old.

If children work more than 5 consecutive hours, they **MUST** have a rest break of 1 hour.

There **MUST** be 2 consecutive weeks without employment

WORK 13 YEAR OLDS CAN DO

- Deliver newspapers
- hairdressing
- Deliver leaflets
- domestic work
- Shop work
- agriculture
- Shelf stacking
- Horticulture
- Office work
- Car washing by hand in private residential area
- Light work in a cafe or restaurant
- Light work in riding stables

BUT work must **NOT** involve use of dangerous machines or chemicals etc.

All the above, plus light work which is not prohibited

WORK SCHOOL CHILDREN CANNOT DO

- Milk delivery
- Telesales
- Street trading
- Collecting money, selling or canvassing door to door
- Working more than 3 metres above ground
- Working in cinemas/theatres/discos/night clubs
- Working in commercial kitchens including mobile outlets
- Work involving harmful exposure to physical/biological/chemical agents
- To sell/deliver alcohol – except in sealed containers
- As an attendant at a fairground

- In personal care of residents in nursing/care home
- In a slaughterhouse
- Collecting/sorting refuse
- Delivering/collecting sea coal
- Work of a nature to be considered unsuitable for children
- Any work relating to gambling

The protection of children at work is a statutory duty on all employers. Failure to abide by the regulations is an offence under the Health and Safety (Young Persons) Regulations 1997 which builds on the risk management and requirements of the Management of Health and Safety at Work Regulations 1992 and the Manual Handling Operations Regulations 1992.

POINTS TO REMEMBER

- Employers **MUST** apply for a work permit for ALL school children.
- Employment regulations do **NOT** end when a school child reaches 16 years.
- Employers **MUST** ensure their employees have completed their work safely.
- Employers **MUST** abide by Employment and Health and Safety legislation.
- Employers **MUST** notify the Child Employment Officer of any changes in the child's employment.

For further information and advice please contact:

Julie Garnett
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Education Welfare Service
Education Department
Town Hall
Darlington
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INFORMATION FOR EMPLOYERS ABOUT PART-TIME EMPLOYMENT OF SCHOOL AGED CHILDREN

