

A 5 - Employment of children

The legislation relating to child performers and the employment of children, of compulsory school age, is complex. This advice leaflet provides a summary of the key issues but is not comprehensive or a binding interpretation of the law. The Darlington Child Employment Officer (telephone 01325 487718) is available to help you or you could seek independent legal advice.

1 Child Performers

- 1.1 To allow a child (under compulsory school leaving age) to take part in a production or event, where an admission charge is made, or the child or any other person taking part is paid, a Child Performance Licence is issued by a local authority.
- 1.2 Examples of a production or event to which the licence applies would include: pantomime, musical, film, television production, sporting event or modeling.
- 1.3 The licence will state a specified period of time, dates and venue.
- 1.4 In some circumstances a 'body of persons' licence may be issued for a group of children to take part in a performance or event.
- 1.5 There are exemptions from the requirement to obtain a licence. You can obtain accurate information about this from the Child Employment Officer.

2 Child Employment

- 2.1 In the case of Child Employment an employment permit is issued by the local authority to allow a child to legally be employed in approved types of work. There are a specified number of hours and periods in each day during which a child may be employed to carry out the work, this is dependant on whether it is a school day or weekend or school holiday. You can contact the Child Employment Officer for a leaflet giving details of the types of work children can do and the number of hours they can work. There is a list of permitted employment for school age children. There is also a list of prohibited employment for all age groups which is based on protecting children from working unsociable hours or in hazardous occupations or with dangerous substances or in any situation that might cause a contravention of the laws in relation to children under 18 years old.

3 Summary of the legislation covering compulsory school age children in child employment

- 3.1 Children of Compulsory School Age are not allowed to work before 7 a.m. or after 7 p.m. on any day
- 3.2 UK legislation dictates that children under the age of 13 years are not allowed to be employed in any capacity by any person/s (this also includes parents/guardians).
- 3.3 Once a child reaches 13 years of age (14 years in some local education authority areas) they are allowed to work part-time - but within certain constraints, to the end of their compulsory education, which is until the last Friday in June of their final GCSE year. This applies to every child in their final GCSE year, even if their 16th birthday is not until the July or August of that school year.
- 3.4 Once a child is over compulsory school age, registration for work and the need to obtain an employment permit under this particular legislation no longer applies, even if the child returns to school after this date.
- 3.5 The list of permitted employment allowable for 13 year olds also applies to 14, 15 & 16 year olds however, 14 -16 year olds may apply for a wider variety of work, which if deemed suitable employment would be approved by the Child Employment Officer.
- 3.6 A Health & Safety Risk Assessment should be completed for all working children. The employer should pay particular attention to the child's lack of experience in the workplace and notify their parent or guardian that a risk assessment has taken place. See the Health & Safety Executive web site for further information.
- 3.7 During a child's first week at work the employer is required to submit an employment permit application form in order to legally register the child's employment with the local education authority in whose area the employment takes place. Note: permission notes from school or parent are not acceptable forms of registration. Registration must take place through a local education authority. An employer who employs a compulsory school age child without an employment permit is in contravention of the child employment regulations and action may be taken against them by the local authority in whose area the employment takes place. This is applicable to all employers by all local authorities.
- 3.8 Once an application has been submitted (and meets all the requirements of the Act and local authority byelaws) an employment permit will be issued, confirming that the child is registered for work. Hours and place of work, employer details, child details and in some cases additional requirements will all be listed on the employment permit.

- 3.9 Employment Permits are specific to the child, the employer and the employment. If a child has more than one job (whether it is with the same employer, another employer or at a different place of employment) each job needs to be registered separately with the appropriate local education authority.

4 Specific Hours of Work allowed

4.1 13 & 14 years - Term Time

Maximum 12 hours in any 7 day week

Maximum 2 hours on ANY school day (1 hour after 7 a.m. and beginning of school day plus 1 hour after the end of the school day and before 7 p.m.:

OR 2 hours after the end of the school day and before 7 p.m.

Saturday maximum 5 hours (1 hour break after 4 hours continuous work)

Sunday maximum 2 hours.

4.2 13 & 14 years - School Holidays

Maximum 25 hours per 7 day week (5 hours in any one day) (Sunday 2 hours only).

4.3 15 & 16 years - Term Time

Maximum 12 hours in any 7 day week.

Maximum 2 hours on ANY school day (1 hour after 7 a.m. and beginning of school day plus 1 hour after the end of the school day and before 7 p.m.:

OR 2 hours after the end of the school day and before 7 p.m.

Saturday maximum 8 hours (1 hour break after 4 hours continuous work)

Sunday maximum 2 hours.

4.4 15 & 16 years - School Holidays

Maximum 35 hours per 7 day week (8 hours in any one day) (Sunday 2 hours only).

Note: morning working times and Sunday working times may vary with different local education authorities. Contact the Local Authority in whose area the work takes place to be sure you are adhering to the regulations correctly.

5 Legislation

Children & Young Persons Act 1933 & 1963

Children (Performances) Regulations 1968

The Children (Performance) (Miscellaneous Amendments) Regulations 1998(1)

The Children (Performance) Amendment Regulations

The Children (Performance) (Amendment) (No.2) Regulations 2000

Management of Health & Safety at Work Regulation 1999