

Child Employment

**A Guide for Employers,
Children and Parents**





Introduction

This guidance contains information covering laws regarding the employment of children throughout Britain. However each Local Authority (LA) has its own Bye-laws. Specific Byelaws relating to Sheffield are included in this guide and can be obtained as a separate document available to download from the website.

For the purpose of this guidance and in accordance with local Byelaws the following wording applies:

A child is anyone who is not over compulsory school age. Compulsory school age ceases on the last Friday in June of the school year in which a child reaches 16 (the school year begins on 1 September and ends on August 31) (Section 8 of the Education Act 1996).

Employment means helping with a trade or occupation which is carried on for profit, even if the child receives no pay or reward, even within a family business.

Light work is defined as work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed:

- Is not likely to be harmful to the safety, health or development of the child
- Is not such as to be harmful to their attendance at school, their participation in work experience in accordance with Section 560 of the Education Act 1996, or their capacity to benefit from instruction received or as the case may be, the experience gained

The Authority means Sheffield City Council

Parent includes any person who has for the time being parental responsibility for the child, within the meaning of the Children Act 1989.

Public place includes any public park, garden or any railway station and any ground to which the public for the time being have or are permitted access, whether on payment or otherwise.

Street includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

Street trading includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe blacking and any other like occupations, carried on in any street or public place.

Child Employment and the Law

The Government's laws and local Bye-laws exist to protect children who are working for an employer.

The law restricts the times when children can be employed and what kind of work a child is allowed to do.

The law relating to the employment of children is The Children and Young Persons Act 1933 (amended 1998). Parents or carers and employers who break these laws can each be fined up to £1,000.

Sheffield City Council also has its own Bye-laws, which relate to child employment. In exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1963 (C12), these Byelaws are cited as the Sheffield City Council Byelaws on the Employment of Children 1998 and came into force on 19 November 1998.

When Children Can Be Employed

- A child cannot be employed if the child is under 13, or does not have a work permit
- It is against the law to employ any child before 7am or after 7pm
- On a school day, a child is allowed to work a maximum of 2 hours (one hour before school and one hour after school, or two hours after school)
- There are restrictions on the number of hours a child can work in a week, depending on age – see below
- Hours are varied during school time and holidays – see below
- All children must have at least a 2 week break per year without employment, to take place during a school holiday

How Many Hours Children Can Work

Age 13-14 - During School Term Time

- Per week - no more than 12 hours
- On Saturday - no more than 5 hours (including a 1 hour break after 4 hours)
- On Sunday - no more than 2 hours

Age 13-14 - During School Holidays

- Per week - 25 hours
- Per day - no more than 5 hours (including a 1 hour break after 4 hours)
- On Sunday - no more than 2 hours

Age 15-16 - During School Term Time

- Per week - no more than 12 hours
- On Saturday - no more than 8 hours (including a 1 hour break after 4 hours)
- On Sunday - no more than 2 hours

Age 15-16 - During School Holidays

- Per week: no more than 35 hours
- Per day: no more than 8 hours (including a 1 hour break after working more than 4 hours)
- On Sunday: no more than 2 hours

Work That Children Can Do

Prohibited - No Child of Any 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 (see Children In Entertainment web page)
- B** To sell or deliver alcohol, except in sealed containers
- C** To deliver milk
- D** To deliver fuel oils
- E** In a commercial kitchen
- F** To collect or sort any sort of refuse
- G** In any work which is more than 3 metres above ground or, in the case of internal work, more than 3 metres above floor level
- H** In employment involving harmful exposure to physical, biological or chemical agents
- I** To collect money or to sell or to canvass door to door
- J** In work involving exposure to adult material, or in situations which are for this reason otherwise unsuitable for children
- K** In telephone sales and canvassing
- L** In a slaughterhouse or in that part of a butcher's shop, or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale which, for the avoidance of doubt, includes the dicing and slicing of uncooked meat or other similar operations
- M** 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
- N** In the personal care of residents of any residential care home, or nursing home
- O** Street trading

Permitted - Children Age 13 May Be Employed In Light Work In One Or More Of the Following:

- A** Agricultural or horticultural work
- B** Delivery of newspapers, journals and other printed material - subject to the provision of Byelaw 3 (**see I - above**)
- C** Shop work, including shelf stacking
- D** Hairdressing salons
- E** Office work
- F** Car washing by hand in a private residential setting
- G** In a café or restaurant
- H** In riding stables
- I** Domestic work in hotels and other establishments offering accommodation

Permitted – Children Age 14 and Over May Be Employed In Light Work

(Unless specifically prohibited for them by law) provided the work and the environment in which it takes place are not harmful to their safety, health or development.

Health and Safety

It is the employer's responsibility to ensure the health, safety and welfare at work of all employees. This includes making sure that:

- A Health and Safety risk assessment is carried out for each child before they employ them and the parent informed of any risks (The Health & Safety (Young Persons) Regulations 1997)
- Dust / fumes and noise are kept to safe levels
- Adequate lighting, heating, ventilation and toilet facilities are provided
- Any protective clothing and equipment required by law is provided free of charge
- Firms with five or more employees also must have a Health & Safety Policy

NB: the Association of British Insurers has stated that, unless a child is registered with their Local Authority, they may not be included under the employers' liability insurance. (i.e. the child is **not covered by their insurance**).

It is an employee's responsibility:

- To care for their own health and safety
- To co-operate with the company to allow it to carry out its own responsibilities successfully
- Not to interfere with or misuse equipment, materials or facilities provided in the context of health, safety or welfare

Employers must keep a register of all school age children working for them.

Children Working In Entertainment

There are separate regulations for children employed in entertainment (e.g. working in TV, theatres, films, paid sport or modeling). For more information on this please see separate documents on our website or contact us.

Work experience

There are far fewer restrictions for work experience placements than for part-time employment. However, by law such placements must be approved by the Authority, normally via the child's school. As work experience is an educational activity, no payment related to a certain rate per hour must be made to a pupil but it is permissible to pay certain 'out of pocket' expenses. Additionally there is no objection to employers extending the benefits of any employee welfare scheme to work experience pupils. Any questions regarding a child's placement should be directed in the first instance, to his or her school. If the child wishes to continue working after the completion of a work experience placement, then s/he will be subject to the normal child employment regulations described earlier.

Children Over 16

National Insurance Cards are issued to all children prior to their 16th birthday. However, because they are of compulsory school age (i.e. until the last Friday in June in the school year they become 16), they still need a work permit and the same regulations apply as to other children.

Salary

Britain is one of the few countries in Europe which has no legal minimum wage to protect young children and young workers. This means that the company can legally offer him or her any rate of pay they choose.

The wages they are offered may well depend upon whether they work for a big, established company, or for a small firm. It could depend on whether they are going to have a period of training leading to further qualification, or whether they have a recognisable skill. A whole range of factors can make considerable differences to their wages. However, it is likely that their pay will be less (sometimes considerably less) than their older workmates.

Some companies negotiate national agreements with trade unions establishing pay levels for child employees which operate throughout the country. Others, particularly smaller companies, leave it up to an individual manager. Parents should remember that verbal promises can be broken, so must ensure their child has a letter of appointment outlining the main terms and conditions of employment, before commencing the job.

Will A Child's Earnings From Part-Time Employment Affect Their Parent's Entitlement to Benefit?

No. So long as the child is registered to attend school, their earnings from part-time employment should not offset entitlement to Income Support, Jobseeker's Allowance, Family Credit, etc. (correct at March 2013).

Applying For a Work Permit

To be employed in any kind of work a child must have a work permit. It is the employer's responsibility to ensure that any child they employ is registered with the Authority in the area where s/he works.

Whenever a child starts new employment, the child's parent and the prospective employer are both responsible for making sure that an application form is completed.

Work Permits Are Free

Within one week of employing a child the employer must send written notification to the Local Authority, or you can download a copy of the application form from Sheffield City Council website. Information requested on the form will include a signed statement from the child's parent giving approval for the child to work. A medical declaration is also required and can be downloaded from the website. In some cases the Authority may require the child to have a medical examination before commencing employment.

Completed paperwork should be sent to the Authority at the address at the end of this guidance. We will check that the type of work and the hours to be worked are suitable. Once criteria are met i.e. the Authority is satisfied that:

- The proposed employment is lawful
- The child's health, welfare or ability to take full advantage of his/her education would not be jeopardised
- The child is fit to undertake the work for which s/he is to be employed

We will then issue a work permit.

The work permit is personal to the particular child and the particular job that the child is doing. If there is a change to the job, the employer will need to apply for a new permit.

If the child ceases employment, the employer must notify the Authority as the work permit will become invalid.

The child should carry the permit card on their person whenever they are working. They may be asked at any time to show the card to either a police officer, or a representative of the Authority.

Children of compulsory school age can only be employed in Sheffield if we issue them with a work permit. If a child is employed at a work placement which is not in Sheffield, the parent or prospective employer must obtain an application form from the Authority where the child will be working and provide a copy of the permit to Sheffield City Council at the address below.

A work permit can be refused or cancelled at any time, if the employment is considered to be harmful to the education, health or physical development of the child, or if school attendance of the child is found to be unsatisfactory.

This information is for general guidance only. Further advice about the law regarding child employment can be obtained from the website or the address below. You can also visit www.gov.uk or the National Network for Children in Employment and Entertainment - <http://www.nncee.org.uk/> for more information on child employment.