

Hertfordshire County Council

Children's Services

Integrated Services for Learning

School Age Employment and Work Permit Guidance

September 2019

School Age Employment & Work Permit Guidance

1. Introduction

Children aged 13 to the end of compulsory education (the last Friday in June in the academic year they are 16) may undertake employment (paid or unpaid) on a part-time basis during term time and school holidays or whilst being educated at home (Elective Home Education). A child who is below 13 may not be employed in any capacity.

Legislation is in place to safeguard the child and sets down the types of work they may do and the hours they can work.

This document provides further information on the laws covering the employment of school age children in the county, the safeguarding responsibilities of Hertfordshire County Council (the Local Authority), and the roles of employers; parents; schools and other partners.

2. The Law

The main legislation relating to the employment of school age children –

- **The Employment of Women, Young Persons and Children Act 1920**
- **The Children and Young Persons Act 1933 Part 11 and section 107, amended by Children (Protection at Work) Regulation 1998 and Children (Protection at Work) Regulations 2000**
- **The Hertfordshire County Council Employment of Children 1998 Byelaws**

In addition there is legislation in relation to:

- **Licencing (relating to the sale, serving of alcohol drinks)**
- **Gambling (including the sale of scratch cards and lottery tickets)**
- **Health & Safety relating to persons under the age of 18**

Separate laws apply to children engaged in film work, modelling, photographic, theatre or radio work where a Children's Performance Licence may be required

3. Safeguarding responsibilities

The local authority has a statutory duty to safeguard school age children who wish to work to ensure that:

- the proposed employment is lawful (this includes the work that the child will do and the days and hours they will work)
- the child's health, welfare or ability to take full advantage of his/her education (including home education) would not be jeopardised
- the child is fit to undertake the work for which he/she is to be employed
- any concerns over the work that a child may do/is doing are investigated promptly and remedial action taken, where needed

Hertfordshire County Council has a dedicated School Age Employment Officer to assist in these safeguarding functions and to support the local staff who process and approve Work Permit applications so that only work that is within the law is approved.

4. Who needs a Work Permit?

A Work Permit is required for a **school age child** (age 13 to the end of compulsory education (the last Friday in June in the academic year that the child reaches the age of 16) to undertake “employment”. Employment is defined in the *“Hertfordshire County Council – Employment of Children 1998 Byelaws”* - as “includes assistance in any trade or occupation which is carried on for profit , whether or not payment is received for that assistance”.

A work permit is not required where a **school age child** is:

- assisting in a “not for profit” task, for example, voluntary work in a youth club
- babysitting
- undertaking work as part of “work experience” arranged by or on behalf of the child’s school
- undertaking work as part of participating in the Duke of Edinburgh’s Award Scheme

School age children are not permitted to undertake self-employment and details of other work that is not permitted are given on the Hertfordshire County Council web pages at:

www.hertfordshire.gov.uk/workpermit

School age children can only undertake “light work” and children aged 13 can only undertake a limited range of employment.

5. Roles and responsibilities

a) Local Authority

Hertfordshire County Council “the local authority” has a statutory duty to:

- safeguard school age children who wish to undertake work – the local authority considers applications from employers to employ children in Hertfordshire and will issue a Work Permit to the employer approving the work, if the Work Permit requirements are met
- investigate and take action against employers who may be employing school age children illegally and to work with the county council’s legal department to prosecute employers as necessary
- visit employers and offer advice and guidance to ensure they comply with all relevant legislation in respect of the employment of school aged children
- raise the profile of school age employment with school staff and pupils by developing and delivering presentations to Hertfordshire schools and publicise the issue to parents (working with schools, where possible) through our website and leaflets
- conduct the twice yearly (January and July) county audit of employers who employ school age children to ensure that records are accurate and up- to- date and deal with any issues arising from the audit
- provide statistics, reports and information to inform future activity
- work in partnerships with other Hertfordshire teams and agencies to ensure that children who work do so safely and legally

b) Schools

Schools have an important role in working with Hertfordshire County Council to:

- raise the awareness of the rules covering the employment of school age children and how to obtain a work permit with their pupils and school community
- notify and work with the county council where they have concerns that an individual pupil is working with an employer without the employer having a Work Permit

c) Parents

Parents have an important role if their school age child wishes to undertake paid or unpaid employment. Parents can:

- support their child to find employment
- get details from the Hertfordshire County Council website (www.hertfordshire.gov.uk/workpermit) on the rules covering the employment of school age children and how to obtain a Work Permit
- once an employer has agreed to employ their child – the parent reads, signs and dates the “Declaration by parent/carer” on the Work Permit application form confirming:
 - consent to the employment on the Work Permit application form
 - that their child’s details are correct
 - that they have information from the employer regarding the risk assessment
 - that their child is medically fit and that the proposed employment will not be harmful to their child’s education
 - their agreement to obtaining a doctor’s letter to confirm that their child is medically fit to do the work outlined in the Work Permit application form, in the event that Hertfordshire County Council requires it
 - their agreement to return any Work Permit when their child is no longer working for the named employer on the Work Permit

d) Employers

The responsibilities of the prospective employer of a school age child are: -

- to have read the information on the Hertfordshire County Council website (www.hertfordshire.gov.uk/workpermit) on the rules covering the employment of school age children and how to obtain a Work Permit
- once the employer has agreed to employ the child – to undertake a Health & Safety Risk Assessment and for advising the child and their parent(s)/carer of the risks
- to send the completed Work Permit application form to Hertfordshire County Council after signing and dating the “Declaration by the Employer” confirming that they:

- have read the Hertfordshire County Council information on Employing School Aged Children and that the proposed work and hours meet the requirements
 - have carried out an appropriate risk assessment
 - have provided a signed and dated “Declaration by parent/carer”
 - will employ the named child in accordance with the laws that apply
 - have the necessary insurance cover in place for the child’s employment
- Once the Work Permit has been received by the employer – to give the Work Permit to the child. The child should carry the Work permit with them at all times during their employment.
 - Respond to requests for information from Hertfordshire County Council on the details of any school age children they currently employ

6. What to do if you think a child is being employed illegally

Please contact: School Age Employment Officer, Hertfordshire County Council, County Hall – CHO136, Pegs Lane, Hertford SG13 8DF
Telephone: 0300 123 4043

7. Further information and guidance

Links to website and sources of information

Information is available on the Hertfordshire County Council website – www.hertfordshire.gov.uk/workpermit

on:

- the Employment of school age children and Work Permit rules

with links to:

- the Work Permit Application Form;
- Hertfordshire County Council - Employment of School Age Children 1998 Byelaws
- Information leaflet for Young People