



Christ Church CE VC Primary School

MODEL EMPLOYMENT OF CHILDREN AND YOUNG PERSONS POLICY AND PROCEDURE FOR SCHOOLS / ACADEMY

This model policy will apply to both teaching and non-teaching staff working in Wiltshire Schools / Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison, Unite and GMB

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Who does it apply to?

This policy and procedure applies to all employees and prospective employees (job applicants) of Christ Church CEVC Primary School.

When does it apply?

This policy applies when the recruiting person / panel of the school wishes to recruit a child or young person to work in the school. This would include recruiting an apprentice. For information about apprenticeships, refer to the school's apprenticeships policy.

When does it not apply?

This policy does not apply to children who wish to gain unpaid work experience with the school.

What are the main points?

1. A person is considered a child if they are under the age of 16.
2. Compulsory school leaving age is defined as when a child reaches their 16th birthday or the last Friday in June of the year in which they are 16.
3. After a young person has left school, they must do one of the following, until they are 18:
 - stay in full-time education, e.g. at a college;
 - undertake an apprenticeship or traineeship;
 - work or volunteer (for 20 hours or more a week) in part-time education or training.
4. There are special laws to protect the employment rights of children and young people. These concern their health and safety, what jobs they can do, when they can work, and how many hours they can work. These laws must be observed and there are severe penalties for the school for not abiding by these laws.
5. Children must have written parental permission to work if they are 16 or under. This is in the form of a child's work permit from the local authority – contact the penalty notice and licensing officer. Email pnlo@wiltshire.gov.uk This must include:
 - employer's name and address;
 - date of birth of the child;
 - the hours and days on which the child is to be employed;
 - the occupation in which the child is to be employed;
 - details of the task involved and the place of employment;

- a statement, by a parent of the child, that the child is fit to work and that the parent agrees to the employment;
 - details of the school at which the child is a registered pupil; and
 - a statement to the effect that an appropriate risk assessment has been carried.
6. If a child is working without a child employment permit, there's a risk that the employer won't be insured against accidents involving the child.
 7. Children don't need a work permit for work experience arranged by their school.
 8. This policy should be read in conjunction with the school recruitment policy.

Health and safety

9. Where a child or young person is under 18, the Headteacher must arrange a risk assessment of possible risks to their health and safety, before they start work. Particular attention must be paid to their age, lack of experience and other issues that could present a risk to their health and safety.
10. Where a child is under school leaving age the Headteacher must also tell one of the child's parents/guardians the results of the risk assessment. This must include any risks identified and any measures put in place to protect their health and safety at work.
11. If working outdoors, the child/young person must be provided with appropriate clothing and footwear.

Special or specific needs

12. If a child has any special or specific needs, the parent(s)/guardian(s) must make the Headteacher aware of what these are. Reasonable adjustments must be put in place before the child starts work and the parent(s) / guardians given a copy of the adjustments.

Safeguarding

13. Any staff supervising children are disclosure and barring service (DBS) - checked.

Age of children

General:

14. There are laws which apply to children at work or volunteering, depending on their age.

Under the age of 16

15. Children under the age of 16 must not be employed in any of the following areas of employment:
- in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;
 - involving the sale or delivery of alcohol, except in sealed containers;
 - in the delivery of milk in glass containers;
 - in the delivery of fuel oils;
 - in a commercial kitchen;
 - in the collection or sorting of refuse work which is more than three metres above ground or floor level;
 - involving harmful exposure to physical, biological or chemical agents;
 - in collecting money or selling or canvassing door-to-door;
 - in work involving exposure to adult material or in situations otherwise unsuitable for children;
 - which is beyond their physical or psychological capacity;
 - which affects their attendance at school;
 - involving a risk not recognised as a risk by the person, to be assessed by the Headteacher;
 - involving a risk due to lack of training;
 - where there is a risk to their health because of exposure to extreme cold, heat, noise or vibration.

Working outdoors

16. No child must be employed in any work outdoors unless wearing suitable clothes and shoes.

Children aged under 13 years

17. It is illegal for anyone under the age of 13 to be employed.

Children aged 13

18. Children aged 13 may volunteer or undertake work experience in 'light work' such as office work.

Children aged 13-14 years – term time

19. During term time, the following rules apply for 13-14 year olds:

Maximum of 12 hours of work per week.

2 week continuous break in a 12 month period. This is unpaid.

Hours of work Monday – Friday

No work before 7am or after 7pm

No work during school hours

Maximum of 2 hours work per day

Where work is done prior to school in the morning, there is a restriction on a maximum of one hour after school

Hours of work Saturday

Up to 5 hours between 7am and 7pm. With a break of 1 hour after 4 consecutive hours worked (even if short breaks taken during the 4 hours)

Hours of work – Sunday

Up to 2 hours between 7am and 7pm.

Children aged 13-14 years – school holidays

20. During school holidays, the following rules apply for 13-14 year olds:

Maximum of 25 hours of work per week.

2 week continuous break in a 12 month period. This is unpaid.

Up to 5 hours of work between 7am and 7pm Monday to Friday.

A break of 1 hour after 4 consecutive hours worked (even if short breaks taken during the 4 hours).

Children aged 15-16 years – term time

21. During term time, the following rules applies for children aged 15-16 who are still at school:

Maximum of 12 hours of work per week

2 week continuous break in a 12 month period. This is unpaid.

Up to 8 hours of work between 7am and 7pm on Saturdays.

A break of 1 hour after 4 consecutive hours worked (even if short breaks taken during the 4 hours).

No working before 7am.

No working during school hours.

If works in morning, only one hour after school up to 7pm.

Children aged 15-16 – school holidays

22. For children aged 15-16, who are still at school, the following rules apply:

Maximum of 35 hours per week.

Must have a 2 week continuous break in a 12 month period. This is unpaid.

Up to 8 hours between 7am and 7pm.

Must have a one hour break after working 4 hours consecutively.

Young workers aged 16-18 years – at college, Sixth Form College, volunteering, work experience or apprenticeships

23. If the young worker is over the School Leaving Age and under 18 (they may still be 15), there are special restrictions on doing certain types of work. These are:
- work which they are not physically or mentally capable of doing;
 - work which brings them into contact with chemical agents, toxic material or radiation;
 - work which involves a health risk because of extreme cold, heat or vibration.
24. The young worker is only allowed to do the work above under the following circumstances:
- where it is necessary for your training, and
 - where an experienced person is supervising you, and
 - where any risk is reduced to the lowest level that is reasonable.
25. There are special rules about the hours they may work/volunteer, if they are aged 16-18:
- Maximum of 40 hours per week working or volunteering at the same time as undertaking part-time training.
 - A break of 30 minutes every 4.5 hours.
 - A 12 hour rest between each working day.
 - 48 hours rest per week.
 - Max 8 hours per day and up to a max of 40 hours per week.
 - 5.6 weeks paid holiday per year. (Take the number days worked in a week and multiply by 5.6 to get the number of days holiday).
 - Cannot work between 10pm and 6am.

Pay

26. Where a child is 16 or over they are entitled to earn the national minimum wage (NMW) and the rate will depend upon their age. Refer to directgov www.gov.uk for further information.
27. Once aged 16, they need to be paid through PAYE.
28. When aged 18, adult employment rights and rules apply.

Roles and responsibilities

Employee (child) responsibilities

29. To notify their parent(s)/guardian if they wish or have applied for a job with the school.
30. To read through this policy with the Headteacher and to ask for clarification where there are points they do not understand.

31. To undertake training as directed by the school.
32. To attend for work as per their contract of employment.

Headteacher responsibilities

33. Where appropriate, to ensure a work permit is applied when employing a child, before they actually start work.
34. To ensure a health and safety risk assessment is carried out before the child starts work and to implement any recommendations which may arise from this risk assessment.
35. To ensure compliance with the law and this policy.
36. To ensure parental permission is obtained before employing a child.
37. To raise any concerns you may have regarding the employment of a child in your care with your schools HR case adviser.
38. To report issues where you feel a child or young person may be at risk.

Frequently asked questions

39. I have left school and would like to work full time however I am still 15 years of age. May I work full time?

No, even if you have left school, you may only undertake the type and frequency of work for your age. Further information can be found at <https://www.gov.uk/child-employment/minimum-ages-children-can-work>.

40. Is a work permit necessary for every child who works?

It is always necessary to obtain a work permit if you are under statutory school leaving age and no child under this age may begin work without one.

41. I have been excluded from school. May I start work?

The hours and type of work you may undertake still apply to you if you are still under school leaving age, irrespective of whether you are actually attending school or not.

42. Why does the school limit the type of work and the hours that I may work?

The type of work and the hours you may work are set down in law and may not be deviated from. The school will always follow its requirements as per appropriate legislation. There are severe penalties for non-compliance.

43. If I am undertaking an apprenticeship in a school, can I also work in a paid role elsewhere?

Yes, subject to the limitations placed on working, as outlined above.

Definitions

Child employment permit	An employment permit which must be obtained from operational children's services at Wiltshire Council before a child or young person may start work.
Risk assessment	An assessment carried out by the employee's manager in order to assess possible risks to the employee's health and safety at work.
Child/young person	Someone under the age of 18 years.

Equal Opportunities

Managers will make any necessary adjustments to ensure that all employees are treated fairly.

Legislation

- the children and young persons act 1933
- the children (protection at work) regulations 2000
- the children and young persons act 1963
- the education act 1996
- the employment of women, young persons and children act 1920
- the safeguarding vulnerable groups act 2006
- Education Act 1996
- Education and Skills Act 2008
- Young Workers' Directive (Council Directive 94/33/EC)
- Health and Safety (Young Persons) Regulations 1997 SI 1997/135
- Children (Protection at Work) Regulations 1998 SI 1998/276
- Working Time Regulations 1998 SI 1998/1833
- Children (Protection at Work) Regulations 2000 SI 2000/1333

This policy has been reviewed by Wiltshire Council's legal service to ensure compliance with the above legislation and our statutory duties.

Further advice and information

There are a number of related policies and procedures that you should be aware of including:

- disclosure and barring service checks
- employment of ex-offenders
- recruitment
- apprenticeships policy

Equalities Impact Assessment

This policy has had an equality impact assessment conducted by a joint equality impact assessment panel and the results of these assessments are published on the Wiltshire Council website. If on reading this procedure you feel there are any equality and diversity issues, please contact an HR Advisor (Schools) who will, if necessary, ensure the policy/procedure is reviewed.

Useful forms

- Under 18's risk assessment form
- The children's work permit application form can be found on the Wiltshire Council internet section called "child employment"
<http://www.wiltshire.gov.uk/schools-learning-child-employment>