

**STAFFORDSHIRE COUNTY COUNCIL
BYELAWS REGULATING THE EMPLOYMENT OF CHILDREN**Made: 15th February 2013Coming into force: 15th February 2013

Staffordshire County Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Person's Act 1933, hereby makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the Staffordshire County Council Byelaws on the Employment of Children 2012 and shall come into force on 15th February 2013.

Interpretation and extent

2. In these Byelaws, unless the context otherwise requires:

“The authority” means Staffordshire County Council;

“child” means a person who is not yet over compulsory school age as defined in section 8 of the Education Act 1996.

“employment” includes assistance in any trade or occupation, which is carried on for profit, whether or not payment is received for that assistance;

“light work” means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed-

- a) is not likely to be harmful to the safety, health or development of children; and
- b) 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 the instruction received or, as the case may be, the experience gained.

“parent” includes any person who has for the time being parental responsibility for a child within the meaning of section 3 of the Children Act 1989.

“shop” includes the definition described within the Town and Country Planning (Use Classes) Order 1987 as amended from time to time.

“year”, except in expressions of age, means a period of twelve months beginning with 1st January.

Prohibited employment

3. No child of any age may be employed -

- a) in any cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children*

*This does not prevent children from taking part in performances under the provision of a Licence granted in accordance with the Children and Young Persons Act 1963 and the associated regulations.

- b) to sell or deliver alcohol, except in sealed containers;
- c) in work involving the distribution and delivery of milk;
- d) to deliver fuel oils;

- e) in any work involving the preparation of food in a commercial kitchen
- f) to collect or sort refuse;
- g) in any work, which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
- h) in employment involving harmful exposure to physical, biological or chemical agents;
- i) to collect or to sell or 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;
- l) in any slaughterhouse or in that part of a butcher's shop or other premises connected to the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
- m) as an attendant or assistant in a fair ground 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) in any other occupation which may be from time to time be prohibited by other legislation, (e.g. factories and any "industrial undertaking")

Permitted employment of children aged 14 and over

4. A child aged 14 or over may be employed only in light work.

Permitted employment of children aged 13

5. A child of 13 may not be employed except in light work in one or more of the following specified categories:

- a) agricultural or horticultural work on an occasional basis and only where employed by their parent/guardian;
- b) delivery of newspapers, journals and other printed material
- c) shop work including shelf stacking
- d) hairdressing salons
- e) office work
- f) car washing by hand
- g) in a café or restaurant (but not in the kitchen)
- h) in riding stables but not to supervise riding or be left in charge of riding stables
- i) domestic work in hotels and other establishments offering accommodation

Employment of children under 13 is no longer permitted – Directive EC33/94 applies. 'The Children and Young Persons Act 1933 has been amended so that byelaws can no longer authorise employment of a child under 13'.

Employment before school

7. Subject to other provisions of these Byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

Additional conditions

8. Children of compulsory school age who are not registered pupils at a school may not be employed between 8.30 a.m. and 3.30 p.m. on any day which is not:

- a school holiday, or
- a Saturday or Sunday

9. No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

Notification of employment and employment permits

10. Within one week of employing a child, the employer must send to the authority written notification stating:

- a) his own name and address;
- b) the name, address and date of birth of the child;
- c) 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, if different from a) above, the place of employment;
- d) a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
- e) details of the school at which the child is a registered pupil; and
- f) a statement to the effect that an appropriate risk assessment has been carried out by the employer

11. Where on receipt of a notification, the authority is satisfied that:

- a) the proposed employment is lawful;
- b) that the child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
- c) the child is fit to undertake the work for which he is to be employed.

It will issue the child with an employment permit.

12. Before issuing an employment permit the local authority may require a child to have a medical examination.

13. The employment permit will state:

- a) the name, address and date of birth of the child; and
- b) 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 tasks and place of employment.

14. A child may be employed only in accordance with the details shown on his employment permit.

15. The authority may amend a child's employment permit from time to time on application of an employer.

16. The authority may at any time revoke a child's employment permit if it has reasonable grounds to believe -

- a) that the child is being unlawfully employed, or
- b) that his health, welfare or ability to take advantage of his education is suffering or likely to suffer as a result of the employment.

17. A child must produce his employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

(No byelaw is made with respect to permitting street trading by children)

The Byelaws with respect to the employment of children made by Staffordshire County Council on 9 July 1998 and confirmed by the Secretary of State on 2 September 1998 are hereby revoked.

Issued By:

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15th February 2013

**STAFFORDSHIRE COUNTY COUNCIL
BYELAWS REGULATING THE EMPLOYMENT OF CHILDREN 2011**

EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws regulate the types of occupation in which children under school leaving age may be employed (Byelaws 3-5), and other conditions of their employment. They provide for checks on a child's fitness for employment (Byelaws 11 and 12) and for the issue of employment permits, setting out the occupations in which a child may be employed and his/her hours of work (Byelaws 7-8). Employers are obliged to notify local authorities of their child employees within one week of them commencing work (byelaw 10).

NOTE: "under school leaving age" relates to all children who have not yet reached the last Friday in June in the school year in which he/she attains the age of 16.

These Byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to prohibited occupations and hours of work in particular.

By virtue of Section 560 of the Education Act 1996, enactments relating to the prohibition or regulation of the employment of children do not apply to children undertaking work experience within the meaning of the Act. "Enactment" for this purpose includes Byelaws having effect under an enactment, so nothing in these Byelaws applies to a child's (approved) work experience.

Prohibited and Permitted Employment

Children aged 13 are limited to employment in the occupations listed at byelaw 5. Children aged 14 and over are not limited in this way, but all children may only undertake light work (byelaw 4). Byelaw 3 lists various occupations, which are prohibited for children, even if they would constitute light work. Many occupations or specific tasks are prohibited by other legislation, including:

Employment of Women, Children and Young Persons Act 1920, which prohibits the employment of children in any "industrial undertaking" including mines and quarries, manufacturing industry, construction and the transport of passengers or goods by road, rail or inland waterway (s.1 - Schedule Part (1));

Gambling Act 2005, Sections 51 to 55: Employment offences

It is an offence to employ children and young persons to provide facilities for gambling (s.51),

It is an offence to employ children to work in premises at any time when facilities for the playing of bingo are being provided on the premises (s.52).

It is an offence to employ children at a club or institute at any time when facilities for gambling are being provided pursuant to a permit (s.53).

In relation to any premises where gaming machines of any category are situated, then any child or young person employed may not perform any function that involves the gaming machine. (and he may not enter the area where the Category C machines are located) (s.54).

National Lottery regulations 1994, regulation 3 states, no National Lottery ticket shall be sold by or to a person who has not attained the age of sixteen years.

Licensing Act 2003 (s153) prohibits unsupervised sales of alcohol by an individual under the age of 18.

Merchant Shipping Act 1995 s.55 (1A) a person under 16 years of age shall not be employed on a sea going United Kingdom ship.

Management of Health and Safety at Work Regulations 1999, ensures that young persons are protected from risks to their health and safety at work

The Children and Young Persons Act 1933 Part II and section 107 - as amended

Children and Young Persons Act 1963 section 35(2).

The Criminal Justice and Court Services Act 2000 Part II.

The Education Act 1996, sections 558 to 560.

The House to House Collections Regulations 1947 - as amended

The Riding Establishments Act 1964 - as amended

The Safeguarding Vulnerable Groups Act 2006.

The Working Time Regulations 1998

(This may not be the complete list)

The **Children (Performances) Regulations 1968** provide that no child taking part in a performance for which a licence is required by s.37 **Children and Young Persons Act 1963** may be employed in any other occupation on the day or days of that performance or the following day.

Hours of Work

In accordance with the **Children and Young Persons Act 1933** the following restrictions apply to hours of work:

No child may be employed for more than two hours on any day on which he is required to attend school; (maximum one hour before school).

No child shall be employed on any Saturday or day on which he is not required to attend school, except as hereafter provided:

(i) A child under 15 years may be employed between the hours of 7.00 a.m. and 7.00 p.m. for a maximum of five hours a day subject to a maximum of 25 hours per week;

(ii) A child of 15 years and over may be employed between the hours of 7.00 a.m. and 7.00 p.m. for a maximum of eight hours a day subject to a maximum of 35 hours per week;

(iii) Where a child is employed by virtue of the provision of (i) or (ii) above, no child shall be employed for more than four hours in any day without a rest break of one hour;

(iv) Where a child is employed by virtue of provision (i) or (ii) above, no child shall be employed at any time in a year unless at that time he has had, or could still have, during a period in the year in which he is not required to attend school, at least two consecutive weeks without employment.

A child may be employed on a Sunday for a maximum of two hours between 7.00 a.m. and 7.00 p.m.

NOTE: CHANGES TO THE CHILDREN AND YOUNG PERSONS ACT 1933 MADE IN 2000 MEAN THAT NO CHILD MAY WORK MORE THAN 12 HOURS IN ANY WEEK IN WHICH THE CHILD IS REQUIRED TO ATTEND SCHOOL (INCLUDING THE WEEKEND)

Street Trading

These Byelaws do not authorise the employment of children in street trading.

Penalties

S.21 Children and Young Persons Act 1933, as amended provides, inter alia that:

If a person is employed in contravention of section 18 or section 20 of that Act, or of the provisions of any byelaw made under section 18, the employer and any other person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000).

A child (a person who is not over compulsory school age) who engages in street trading in contravention of the provisions of section 20, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (£200).

CHILD EMPLOYMENT RULES FROM 15th February 2013
Staffordshire County Council**Summary of restrictions**

ALL EMPLOYMENT OF CHILDREN OF COMPULSORY SCHOOL AGE IN ANY “TRADE OR OCCUPATION CARRIED ON FOR PROFIT” IS UNLAWFUL UNLESS A PERMIT HAS BEEN ISSUED TO THE EMPLOYER. APPLICATION MUST BE MADE TO THE AUTHORITY WITHIN ONE WEEK OF THE CHILD COMMENCING WORK.

AGE No child may be employed under the age of 13.

WORK All work must be “light work” only and not interfere with the child’s education.

PROHIBITED EMPLOYMENT No child of any age may be employed -

- in any cinema, theatre, discotheque, dance hall or night club;
- to sell or deliver alcohol, except in sealed containers;
- in work involving the distribution and delivery of milk;
- to sell or deliver fuel oils;
- in any work involving the preparation of food in a commercial kitchen;
- to collect or sort refuse;
- in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
- in employment involving harmful exposure to physical, biological or chemical agents;
- to collect money or to sell or canvass door to door;
- in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- in telephone sales;
- in any 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;
- 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;
- in the personal care of residents of any residential care home or nursing home.
- in any other occupation which may from time to time be prohibited by other legislation, including any “industrial undertaking” (factory, manufacture, transport etc.)

PERMITTED EMPLOYMENT OF CHILDREN AGED 13

A child of 13 may not be employed except in light work in one or more of the following specified categories:

- agricultural or horticultural work (on an occasional basis and only where employed by a parent/guardian);
- delivery of newspapers, journals and other printed material;
- shop work, including shelf stacking
- hairdressing salons
- office work
- car washing by hand
- in a cafe or restaurant (but not in the kitchen)
- in riding stables but not to supervise riding or be left in charge of riding stables
- domestic work in hotels and other establishments offering accommodation

HOURS These are set out in the Children and Young Persons Act 1933 and cannot be varied.

No child may work before 7.00 a.m. or after 7.00 p.m. on ANY day (incl. school holidays)

On school days:

A child may work a maximum of 2 HOURS; either 2 hours after school (before 7.00 p.m.) or one hour before school (after 7.00 a.m.) and one hour after school (before 7.00 p.m.) A maximum of 12 hours per school week, including weekends.

No child may work during school hours.

On Saturdays and school holidays:

Children aged 13 and 14 can work up to 5 hours a day (max. 25 per week)

Children aged 15 up to the end of compulsory school age can work up to 8 hours a day (max. 35 per week)

No child may work more than 4 hours in a day without a one-hour break.

A child who works during the whole year must have at least a two-week consecutive break during the school holidays.

On Sundays:

A child may work a maximum of 2 HOURS between 7.00 a.m. and 7.00 p.m. only.