

## Relevant Legislation

*Children and Young Persons Act 1933*  
*Northumberland County Council Bye-laws*  
*Health and Safety (Training for Employment) Regulations 1990*  
*Health and Safety (Young Persons) Regulations 1997*  
*Management of Health and safety at Work Regulations 1999*  
*Working Time Regulations 1998 (as amended)*  
*COSHH Regulations 2002*  
*Health and Safety at Work etc Act 1974*

## General

When employing anyone under the age of 18, whether for employment, work experience or as an apprentice, employers have the same responsibilities for their health, safety and welfare as they do for other employees. In fact, due to their lack of knowledge and experience, children and young people are owed a greater duty of care.

A *young person* is defined as anyone under 18. A *child* is anyone who has not yet reached the official minimum school leaving age (MSLA). Pupils will reach the MSLA in the school year in which they turn 16.

Children under 13 years old are generally prohibited from any form of employment. Those between the ages of 13 and 16 are prohibited from being employed in industrial undertakings, such as factories and construction sites, except when on work placement. Prohibited and permitted occupations for children between these ages are laid down in the Children and Young Persons Act 1933 and in Bye-laws passed by the County Council.

The Health and Safety (Young Persons) Regulations go somewhat further than any of the above and their scope extends to include young persons who are over the MSLA, namely those between the ages of 16 and 18. Additional precautions to protect these young people from risks in the workplace are required. These are discussed in detail below.

## Who is Affected?

- any County Council establishment wishing to recruit a young person for employment or provide a work experience placement for a student.
- any High or Special School or Academy wishing to place one of its students in the workplace of a placement provider.

## What Needs to be Done?

Given the large number of directorates within the County Council, and the wide range of activities undertaken, it is foreseeable that young people could be recruited and subsequently exposed to a vast array of risks.

Any directorate or establishment seeking to recruit anyone under 18 years of age, in any capacity, is strongly advised to read the HSE guidance '[Young people and work experience: A brief guide to health and safety for employers](#)'- INDG364(rev1). This provides information on the issues to consider when employing children or young people, including information on risk assessment, training and supervision,

For students on a work placement, for the duration of the placement young people are considered to be the employees of the placement provider by virtue of the Health and Safety (Training for Employment) Regulations. This means that placement providers must provide them with the same or greater health, safety and welfare provision as they give their employees and must also have appropriate employers' liability insurance cover.

Schools seeking to arrange work placements for their students should note the information contained on page 5 of this document.

## Specific Requirements

Undertaking risk assessment has for some years been a legal requirement for employers. Risk assessments for activities where there is a significant risk should already be in place for existing employees. Where young people are employed, there is a requirement to ensure that existing risk assessments consider any additional requirements associated with employing a young person. When doing so the following factors should be considered:

- assess risks to young people under 18 years of age *before* they start work.

- address specific factors in risk assessments.
- take into account their inexperience, lack of awareness of existing or potential risks, and immaturity.
- determine whether the young person should be prohibited from certain work activities.
- provide information to parents of children under 16 about the risk and the control measures introduced.

The HSE have stated there is no requirement to undertake a specific risk assessment when employing a young person, however, [a generic risk assessment](#) is available on the County Council's webpage which guides Managers on the issues they need to think about.

In unusual circumstances, certain work activities that are an intrinsic part of the young person's training are carried out and these may pose a significant residual risk. In this eventuality, the advice of the Health and Safety Team should be sought before the placement commences.

Given the greater duty of care, and taking into account that some work may be beyond a young person's physical or psychological capacity, some activities may, on assessment, be judged to be unsuitable for them to undertake. For example, a manual handling activity which involves repetitive or forceful movements would, on assessment, have to take account of the physique, general health, age and experience of the individual. Training may also be required. If it is deemed that, following the assessment, significant risks identified cannot be adequately controlled then the young person should not be employed for these tasks.

Similarly, for activities involving exposure to agents which are toxic and subject to COSHH, the health risks arising from work with the substance should be assessed and appropriate measures taken.

Particular attention should be paid to the provision of information, instruction, training and adequate supervision, together with the establishment of safe systems of work. Again if, following the assessment, significant risks identified cannot be adequately controlled then the young person should not be employed in such activities.

## Further Considerations

The following should also be borne in mind:

- the layout of the workplace and work station.
- the nature, degree and duration of exposure to physical, chemical and biological agents.

- the form, range and use of work equipment and the way in which it is handled.
- the organisation of processes and activities.
- the extent of health and safety training to be provided to the young people.
- risks from chemical agents, processes and work.

Young workers are also affected by the Working Time Regulations 1998 and are subject to the following limitations:

- a maximum working day of eight hours.
- a maximum working week of forty hours.
- a prohibition of work between the hours of 10 pm and 6 am.

## Information for Parents and Guardians

A significant aspect of the 1997 regulations is the requirement to inform parents of young workers who are under 16 years of age of the key findings of the risk assessment and the control measures taken. This must be provided to parents or guardians before employment or work experience starts. Though there is not a legal requirement to provide this information in writing it would clearly be good practice to do so. This can be undertaken in the following three ways:

- by notifying the parent by letter.
- by the placement provider including the information with the other documentation sent to parents, such as a job description.
- by relying on the student to relay this information after an interview (this, however, is an unreliable method which is to be discouraged).

## Arrangements to Consider within Children's Services

It is important that High and Special Schools only place students with approved placement providers. This will ensure that only reputable employers with a sound safety record and well established safe systems of work are used. Using the services of professional work placement organiser will help ensure that such standards are met. In the past, this service was undertaken by the County Council's Employability and Skills Team.

There are a number of companies in the market who offer this service, however, the names of two local providers are provided below.

Connexions Hub Services  
Debbie Smith  
Hub Services Manager  
0191 4661510  
d.smith@Connexions-TW.co.uk

Gateshead College Futurework  
Lucy Wilkinson  
0191 426 4330  
lucy.Wilkinson @gateshead.ac.uk

*(Please note, the provision of contact details for the above organisations should not be seen as an endorsement by the County Council. They are simply provided as useful contacts due to difficulty encountered by some schools in sourcing suitable companies. Schools should complete the necessary contractor checks and satisfy themselves as to their competence.)*

**Schools that do not use the services of a specialist work placement organiser will need to adopt a similar standard of vetting of providers and ensure that school staff are appropriately trained to undertake this. Further information can be found via the HSE website:**

<http://www.hse.gov.uk/youngpeople/workexperience/organiser.htm>