

NORTHUMBERLAND

COUNTY COUNCIL

Education Welfare Service

CHILD EMPLOYMENT

A Guide for Parents and Employers

ANY CHILD OF COMPULSORY SCHOOL AGE WHO WISHES TO WORK IN PART-TIME EMPLOYMENT MUST BE REGISTERED WITH THE COUNCIL

This is a guide to coincide with the Children and Young Persons Act 1933 Section 18 (as amended) and the County Council of Northumberland Byelaws, to offer information to parents of children aged between 13 and 16 who have or would like to have a part time job out of school hours. It will also be of use to employers and anyone with an interest in the law governing the employment of school age children.

The Guide should not be taken as a comprehensive statement of the law relating to the employment of children.

Introduction

This leaflet is designed to help parents of children who are of compulsory school age who work part time, e.g. a paper round or waiter/waitressing. It will also assist employers in Northumberland who employ children of compulsory school age.

The rules outlined in this leaflet only apply when a child is employed in a business that exists to make a profit. The law still applies if a child merely does voluntary work in a family business as long as that business exists to make a profit.

How old does a child have to be to work part-time?

The minimum age for employment is 13 years old.

A child aged 13 may not be employed except in light work in one or more of the specified categories set out in the Council's Byelaws. A child aged 14 or over may be employed only in light work

Do children need to be registered for work?

Yes. All children must be registered with the Council. The Local Authority monitors and regulates child employment. **It is the employer's responsibility to ensure that any child working for them is registered.** Registration forms can be obtained from the Education Welfare Service Offices (details of the office in your area can be found on this leaflet). The forms must be completed by the employer and the parents and returned to the Education Welfare Office, where they will be checked and, providing that the employment is within the scope of the 1933 Act and the byelaws an employment permit will be issued. To check whether a child is registered, contact the Education Welfare Office in your area.

What are the advantages of children being registered with the Local Authority?

Registering children at work has important benefits for insurance purposes. The Association of British Insurers has stated that unregistered children may not be included under the employer's liability insurance.

Regulation by registration is a means of protecting children's health, safety and welfare. It also ensures that they receive the full benefit of their education. Registration is also a means of protecting children from exploitation.

If there was an accident involving the child the employer would be uninsured and would commit an offence.

How much should a child be paid and will this affect his/her parents' entitlement to Income Support?

Those of compulsory school age are not entitled to the national minimum wage. The sums a child is paid are entirely up to the employer.

It is likely that any wage will be below the wage adult workers in the same company get.

It is advisable for children to have a letter of appointment before commencing the job, outlining the main terms and conditions of employment. Verbal promises can easily be broken.

As long as a child is registered to attend school their earnings from part time employment should not offset any entitlement to Income Support.

If a child has received a National Insurance Number can they start full-time employment?

No. If a child is of compulsory school age it means that under the law he/she is required to attend school. The DSS may send out a National Insurance number to a child before they reach school leaving age. Receipt of this number does not authorise a child to start full time work.

Pupils continue to be of compulsory school age until the last Friday in June in the school year in which they reach 16.

There are no exceptions to this rule.

	DAILY LIMIT		Sunday	WEEKLY LIMIT	
	School Day	Non School Day Mon-Sat		School Term	School Holidays
Child Under 15	2 Hours	5 Hours	2 Hours	12 Hours	25 Hours
Aged 15 But Under School Leaving Age	2 Hours	8 Hours	2 Hours	12 Hours	35 Hours

Can a child be prevented from working?

A child can be prevented from working even if their employment complies with the law. If the child's work prevents the child gaining the proper benefit from their education then the power exists to stop the child working.

The School Medical Officer can also declare work prejudicial to a child's health. In such cases the Authority would refuse to issue an employment permit.

It is important to stress that if a child is working illegally it is the employer, not the child, who is committing the offence. The employer has responsibility for registering children in their employment.

Absence from School

Any absence from school due to any employment whether paid or unpaid would be treated as unauthorised and could lead to legal action against the parent.

Are there different rules for work experience placements?

There are fewer restrictions for work experience placements than for part time employment. By law, work experience placements must be approved by the Local Authority. This approval is normally carried out by the child's school. Work experience must be in the last 2 years during which the child is of compulsory school age.

Work experience is an educational activity so no payment related to a rate per hour can be paid. It is, however, permissible to pay 'out of pocket' expenses. Employers can, if they wish, extend the benefits of any employee welfare schemes to work experience pupils.

Any queries regarding a child's placement should first be directed to the child's school.

If a child wants to continue working for a firm following a period of work experience with them, then normal employment regulations will apply.

No child of any age may be employed in any of the following:

- in a cinema, disco, dance hall or nightclub, 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 granted in accordance with the Children and Young Persons Act 1963, and the associated regulations);
- to sell or deliver alcohol, except in sealed containers;
- to deliver milk;
- to deliver fuel oils;
- in a commercial kitchen, but excluding hotel kitchens and under the supervision of a responsible adult;
- to collect or sort refuse;
- in any work 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, except under the supervision of an adult;
- 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 any part of any 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, 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 unless under the supervision of a responsible adult in or in connection with any racing course or track or other place where any sport is carried on, or as an assistant in any business conducted therein.

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