

What you need to know about **Child Employment**

**Byelaws
and Guide
for
Employers
and Parents**



Child Employment

What employment legislation applies to children?

The **Children and Young Persons Act 1933** (as amended by the **Children (Protection at Work) Regulations 1998/2000** and supplemented by **KCC Byelaws under Section 18 of the 1933 Act**, apply to children, who are over the age of **13** and not over the compulsory school age, and establishes:

- restrictions on the nature of work that may be undertaken;
- restrictions on the hours of work;
- procedures for registering employment;
- provision for penalties on employers who breach the legislation.

The provisions of the Act apply when assistance is given to a trade or business carried on for profit even if no payment is made.

There is much additional legislation with specific application, eg that which applies to young people working in the entertainment business, in riding schools, with special machinery, etc.

What is the role of KCC?

KCC Education & Libraries Directorate is responsible for registering **ALL** child employment in Kent, and for monitoring the effects of work on the health and education of children.

KCC recognises the value of work for children (and in particular pre full-time work experience as provided for by the **Education (Work Experience) Act 1973**), and seeks to co-operate with employers who conform with the legislation by providing advice.

No child may work before 7 am or after 7 pm on ANY day		
HOURS WHICH CAN BE WORKED EACH DAY	AGED 13-14	AGED 15 YEARS+
Saturdays	5 hours	8 hours
Sundays	No more than 2 hours	
School Days	2 hours per day, EITHER 1 hour before school and 1 hour after school, OR 2 hours after school	
School Holidays	Up to 5 hours a day (except Sunday)	Up to 8 hours a day (except Sunday)
TOTAL HOURS WHICH CAN BE WORKED EACH WEEK	AGED 13-14	AGED 15 YEARS+
Term Time	Maximum of 12 hours per week	
School Holidays	25 hours	35 hours
BREAKS		
CHILDREN MUST HAVE A CONTINUOUS TWO WEEK BREAK FROM EMPLOYMENT DURING THE YEAR		
Maximum period of employment without continuous interval of at least one hour for rest and recreation.	4 hours	4 hours
<ul style="list-style-type: none"> • There is only one school leaving date in Year 11, which is the last Friday in June each year. • A permit is still required for children over 16 if they are in their final GCSE year. 		

NB Babysitting for friends and neighbours is not classed as "employment".

Permitted employment of children aged 13

A child aged 13 may not be employed except in light work in one or more of the following specified categories: agricultural or horticultural work; delivery of newspapers, journals and other printed material, and collecting payment for same, subject to the provisions of byelaw 3(i); shop work, including shelf stacking; hairdressing salons; office work; car washing by hand in a private residential setting; in a cafe or restaurant; in riding stables; and domestic work in hotels and other establishments offering accommodation.

Permitted employment of children aged 14 and over

A child aged 14 or over may be employed only in "light work". As there are so many jobs which can be undertaken, it is easier to list work which children CANNOT do:

What types of work are children not permitted to undertake?

- cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children
- sale or delivery of alcohol, except in sealed containers
- delivering fuel oils
- work in a commercial kitchen
- collecting or sorting refuse
- any work which is more than three metres above ground/floor level
- employment involving harmful exposure to physical, biological or chemical agents
- collecting money or selling/canvassing door to door unless supervised by a responsible adult
- work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children
- telephone sales
- work in slaughterhouses, or in the preparation of meat or fish for sale
- fairground and amusement arcades
- personal care of residents in care homes unless supervised by a responsible adult
- any activity connected with the use of firearms
- street trading activities
- markets (unless employed and directly supervised by child's parent in connection with their retail business)
- delivery of milk
- cleaning and operating machinery
- gambling clubs
- pub or bar work
- building sites

What are the penalties?

The employer, and any other person (other than the person employed) by whose act or default caused the employment to be in contravention of the provisions of the child employment legislation may be liable on summary conviction to a fine not exceeding level 3 (£1,000) on the Standard Scale.

The Association of British Insurers have stated that unless a child were to be registered, the child might not be included under an employer's liability insurance policy.

Other restrictions

Protective clothing

No child shall be employed in any work out of doors unless suitably shod, and suitably clad for protection against the weather.

Children already engaged in Entertainment under Licence

No child taking part in any entertainment in pursuance of a licence under Section 37 of the Children & Young Persons Act 1963 shall be employed on the day or days of, or day following, such entertainment.

Industrial undertakings

The Employment of Women, Young Persons and Children Act 1920 precludes most employment in industrial undertakings.

Lifting, carrying and moving heavy loads

No child may be employed to lift, carry, or move heavy loads where there is a likelihood of sustaining injury.

Risk Assessment

A risk assessment must be carried out and conveyed to the child's parent/carer.

The Registration Procedure

Initiation: within one week of employing a child, the employer must submit a written notification to the Local Education Authority, stating:

- a) employer's name and address;
- b) 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; a child may be required to have a medical examination;
- 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.

Employment Permit:

the Local Authority shall issue the child with an employment permit stating child's name and address, hours and days on which work is permitted, task involved and place of employment.

EXPLANATORY NOTE TO THE KENT COUNTY COUNCIL BYELAWS ON THE EMPLOYMENT OF CHILDREN 1998

(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 9 and 10) and for the issue of employment permits, setting out the occupation in which a child may be employed and his hours of work (byelaws 9-15). Employers are obliged to notify local authorities of their child employees (byelaw 8).

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.

By virtue of section 560 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 work experience.

Prohibited and permitted employment

Children aged 13 are limited to employment in the occupations listed at byelaw 5. Children aged 14 or over are not limited in this way, but 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 more occupations or specific tasks are prohibited by other legislation, including:

- the 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 (section 1(1));
- the Agriculture (Safety, Health and Welfare Provisions) Act 1956, under which it is an offence to cause or permit a child to ride on or drive a vehicle, machine or agricultural implement (section 7);
- the Offices Shops and Railway Premises Act 1963, which provides that no young person may clean machinery if to do so would expose him to risk of injury (section 18);

- the Betting Gaming and Lotteries Act 1963, which prohibits the employment of persons under 18 in effecting any betting transaction or in a licensed betting office (section 21);
- the Licensing Act 1964, which prohibits the employment of children in the bar of licensed premises (section 170) and the Licensing (Occasional Permissions) Act 1983, which prohibits any person under 18 from selling or serving alcohol in premises authorised under the Act (paragraph 5(1) of the Schedule);
- the Merchant Shipping Act 1970, by virtue of which no person under minimum school leaving age may be employed on a ship registered in the UK, except as permitted by Regulations made under the Act (section 51); and
- the Manual Handling Operations Regulations 1992, which prohibit children from handling any load which is likely to cause injury to them.

It should be noted that this is not an exhaustive list.

The Children (Performances) Regulations 1968 provide that no child taking part in a performance for which a licence is required by section 37 of the 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.

Penalties

Section 21 of the Children and Young Persons' Act 1933, as amended provides, inter alia, that:

If a person is employed in contravention of Section 18 of the Act, or of the provisions of any Bye-laws made thereunder, 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 (£1,000).

THE KENT COUNTY COUNCIL BYELAWS ON THE EMPLOYMENT OF CHILDREN 1998

November 1998 Byelaws

The Kent County Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933¹, hereby makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the Kent County Council Byelaws on the Employment of Children 1998 and shall come into force on 25 November 1998.

Interpretation and extent

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

“the authority” means the Kent 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.

“public place” includes any public park, garden, sea beach or railway station and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe blacking and other like occupations carried on in any street or public place;

“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 a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;²
 - (b) to sell or deliver alcohol, except in sealed containers;
 - (c) to deliver milk;
 - (d) to deliver fuel oils;
 - (e) 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 money or to sell or canvass door to door, except under the supervision of an adult;
 - (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 any butcher's shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
 - (m) in the gutting or preparation of fish for sale;
 - (n) 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;
 - (o) in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult;
 - (p) in any activity connected with the use of firearms;
 - (q) in street trading activities;
 - (r) in indoor or outdoor markets (unless he* is employed to do so by his parent, in connection with their retail business and under their direct supervision).

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 aged 13 may not be employed except in light work in one or more of the following specified categories:
 - (a) agricultural or horticultural work;
 - (b) delivery of newspapers, journals and other printed material, and collecting payment for same, subject to the provisions of byelaw 3(i);
 - (c) shop work, including shelf stacking;
 - (d) hairdressing salons;
 - (e) office work;
 - (f) car washing by hand in a private residential setting;
 - (g) in a cafe or restaurant;
 - (h) in riding stables; and
 - (i) domestic work in hotels and other establishments offering accommodation.

Employment before school

6. Subject to the 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 condition[s]

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

Notification of employment and employment permits

8. 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.

9. Where, on receipt of a notification, the local authority is satisfied that:
 - (a) the proposed employment is lawful;
 - (b) 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.
10. Before issuing an employment permit a local authority may require a child to have a medical examination.
11. The employment permit will state:
 - (a) the name, address and date of birth of the child;
 - (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 task involved and the place of employment;

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

13. A local authority may amend a child's employment permit from time to time on the application of an employer.

14. The local 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 are suffering or likely to suffer as a result of the employment.

15. 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.

Revocation

16. The Byelaws with respect to the employment of children made by the Kent County Council on the 23 February 1955 and confirmed by the Secretary of State on the 15 August 1955 as amended by the deletion of byelaws 5 and 7 and the substitution of the new byelaws 5 and 7 made by the Kent County Council on the 26 July 1973 and confirmed by the Secretary of State on the 15 July 1974 are hereby revoked.

THE COMMON SEAL of the Kent County Council

was affixed to these Byelaws on 3 November 1998

in the presence of: G Wild, County Secretary

Signed: 

These Byelaws are hereby confirmed by the Secretary of State for Health on 25 November 1998

and shall come into operation on 25 November 1998.

Signed: 

A Senior Civil Servant, on behalf of
The Secretary of State for Health.

Notes

¹ 1933 c.12

² 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.

* *Please note that throughout the document a "child" is referred to as "he" for ease of reference. In such instances it can be taken that "she" equally applies.*

Who can give you advice?

Advice on the specific provisions of the legislation, and on the Registration process, can be obtained from the Child Employment Officer at:

East Kent Office: Clover House WHITSTABLE Tel: 01227 284404

Mid Kent Office: Kroner House ASHFORD Tel: 01233 898674

West Kent Office: Joynes House GRAVESEND Tel: 01474 544543

You can also contact us by email at: education.welfare@kent.gov.uk

Or find us on the web: www.kent.gov.uk/educationwelfare