



For: Heads of all Establishments and Settings  
OCC Managers  
Governors/Management Committees  
Trade Union Safety Representatives  
Employee Noticeboards  
Intranet

## **CHILD EMPLOYMENT**

**Children & Young Persons Act 1933 (as amended)**  
**Oxfordshire County Council Byelaws on the Employment of Children 1998**  
**Management of Health & Safety at Work Regulations 1999 (as amended)**

### **Introduction**

Many parents, employers and school employees do not know that children below the minimum school leaving age who have a job that is part of a business are working, whether they are paid or not, and therefore need a work permit. If they are working without a work permit they will probably not be covered by the employer's insurance policies.

**Children below the Minimum School Leaving Age (MSLA) cannot have a job in a business until they are 13 years old.**

### **Purpose**

The Oxfordshire County Council byelaws of 1998 set specific restrictions on the employment of children which supplement national child and health & safety legislation and are intended to limit and reduce the risks to children when working.

### **Scope**

This procedure applies to managers of all Council establishments and settings. Additionally the statutory requirements are applicable to all employers of children.

### **Definitions**

**Work** as it applies to children below the MSLA is:

*"Any work that is part of a business whether or not the person is paid".*  
Babysitting is not considered "work" by the law.

**MSLA:** MSLA is that on the last Friday of June of the school year in which a child reaches the age of 16.



**Child:** is any person under the MSLA

**Young Person:** is any person above the MSLA but under the age of 18 years.

## Responsibilities

### In order to be employed all children:

Need a Work Permit and comply with working hours and work activity requirements. The Local Authority issues all permits and applications should be sent to The Licensing Officer, The County Attendance Team, Abbey House, Abbey Close, Abingdon, Oxon OX14 3JD. A copy of the application form is included at Appendix 1 and can be downloaded at <https://www.oxfordshire.gov.uk/cms/content/employing-children>.

## Working hours

### Any child who works:

- Can only ever work between 7am & 7pm;
- Must have 2 weeks free from work each year;
- Must not work more than 12 hours during any school week;
- Can work a total of 2 hours on a school day between 7am & 8.30 am and after school until 7pm;
- Can only work for 2 hours on a Sunday;
- Must have a rest break of 1 hour after working 4 hours;

### At age 13 & 14

- can work up to 5 hours on a Saturday
- can work up to 5 hours on weekdays during holidays
- can work up to 25 hours per week during school holidays

### At age 15 & 16

- can work up to 8 hours on a Saturday
- can work up to 8 hours on weekdays during holidays
- can work up to 35 hours per week during school holidays.

## Work activities

At age 13 children are restricted to light work in specified occupational activities. These are listed in Appendix 1.

At age 14 and over children can be employed only in light work.


## **Under the byelaws no child of any age may be employed:**

- in a cinema, theatre, discotheque, dance hall or night club, (unless licensed to perform there);
- to sell or deliver alcohol: except in sealed containers;
- to deliver milk;
- to deliver fuel oils;
- 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, 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 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;
- 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.

## **Young Persons' Risk Assessment**

In the case of all young people at work, including children, a risk assessment must be undertaken specifically taking into account their age, inexperience, lack of awareness of risk, and physical and psychological capabilities. Recording of the significant findings and measures necessary to control identified risks should follow the requirements of the relevant legislation.

In the case of a child under the MSLA the employer must pass on to one of the parents, or a guardian, the results of the risk assessment. This must include any risks identified, and any measures put in place to protect the child's health and safety at work.

For further information and advice:		
	email and web addresses	
<b>Specialist:</b>		
Senior Attendance and Engagement Officer (Child Employment)		01865 323513
Administrative and Licensing Officer (Support and Licences)	email: <a href="mailto:childperformancelicence@oxfordshire.gov.uk">childperformancelicence@oxfordshire.gov.uk</a>	01865 323518
<b>General:</b>		
Health & Safety Team	email: <a href="mailto:healthandsafetyhelp@oxfordshire.gov.uk">healthandsafetyhelp@oxfordshire.gov.uk</a>  web address non schools: <a href="https://intranet.oxfordshire.gov.uk/cms/content/health-and-safety">https://intranet.oxfordshire.gov.uk/cms/content/health-and-safety</a> web address schools: <a href="http://schools.oxfordshire.gov.uk/cms/">http://schools.oxfordshire.gov.uk/cms/</a>	01865 797222
The County Attendance Team	email: <a href="mailto:attendanceandengagementteam@oxfordshire.gov.uk">attendanceandengagementteam@oxfordshire.gov.uk</a>  web address: <a href="http://schools.oxfordshire.gov.uk/cms/content/attendance-and-engagement-team">http://schools.oxfordshire.gov.uk/cms/content/attendance-and-engagement-team</a>	01865 323513

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## Application Form for Part Time Employment of School Age Children

Name of Child: ..... DOB: .....

Address: ..... Telephone No: .....

..... Name of School: .....

### To be completed by the Employer

Employer:..... Telephone No: .....

Address: .....

.....

Work to be carried out: .....

Exact times of Working.

School days – (Mon-Fri): .....

Saturday: ..... Sunday: ..... School Holidays: .....

Please attach the Risk Assessment that has been completed and tick this box to confirm that a copy has been given to the prospective employee and parent.

I am confident that the child's health will not be compromised by the type of work for which I am employing this child.

Signature of Employer: ..... Date: .....

Contact Name: .....

### To be completed by the Parent/Carer

- |   |        |
|---|--------|
| 1. Does your child attend school regularly?   | YES/NO |
| 2. Does your child have any long term medical condition?<br>(If YES, please enclose confirmation from your GP that<br>employment will not be harmful to their health) | YES/NO |
| 3. I have received a copy of the Risk Assessment  | YES/NO |

I declare that the above statements are true to the best of my knowledge and belief and that I have not withheld any material information and hereby consent to the employment of my child as detailed above.

Signature of Parent/Carer: ..... Print Name: .....

Date: .....

Before this application is approved a check will be made with the child's school to confirm this employment will not be detrimental to their education.

**Employment of School Age Children - A Summary of the Law  
Children and Young Persons Act 1933 (and others)  
Oxfordshire County Council Byelaws 1998**

**Children are of compulsory school age until the last Friday in June of the school year in which they reach the age of 16 (usually Year 11)**

**IT IS ILLEGAL TO EMPLOY CHILDREN UNDER 13 YEARS OF AGE**

**Work is “Any work that is part of a business whether or not the person is paid”**

**All children below minimum school leaving age :**

- need a work permit;
- can only ever work between 7am and 7pm;
- must have 2 weeks free from work each year;
- must not work more than 12 hours during any school week;
- can work a total of 2 hours on school days between 7.00 am and 8.30 am and after school until 7pm;
- can only work for 2 hours on a Sunday;
- must have a break of one hour after working 4 hours;
- at age 13 and 14 can work for 5 hours on a Saturday or on weekdays during holidays, but can only work for 25 hours per week during school holidays;
- at age 15 and 16, can work for 8 hours on a Saturday or weekdays during holidays, but can only work for 35 hours per week during school holidays;

**At age 13, children can only do light work in the following areas :**

- agricultural or horticultural work;
- delivering newspapers;
- shop work, including stacking shelves;
- hairdressing salons;
- office work;
- car washing;
- cafés and restaurants;
- domestic work in hotels and other establishments offering accommodation

**No child of any age may be employed :**

- in a cinema, theatre, discotheque, dance hall or night club, (unless licensed to perform there);
- to sell or deliver alcohol: except in sealed containers;
- to deliver milk;
- to deliver fuel oils;
- 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, 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 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;
- 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.