

APPLICATION FORM AND ISSUING OF PERMITS

Employment permits are issued by:

Angus Council
Education Department
Angus House
Orchardbank Business Park
FORFAR DD8 1AE

Please find enclosed the following:

- Application form for a permit
- Notes on the Employment of Children
- A summary of the byelaws
- A note on questions frequently asked regarding the employment of children

Application for an employment permit should be made in good time to the school.

Parts 1 - 3 of the application form should be completed by the employer and parent or guardian and returned to the school which the child attends.

During the school holidays applications may be submitted to the above address. If the application is for employment during both the school holidays and school term a permit will be issued for the school holiday period only. The form will then be forwarded to the school for completion of Part 4 before a permit is issued for employment.

Any enquiries regarding the issuing of permits or requests to amend permits should be made in the first instance to the Head Teacher of the school which the child attends. Advice is also available by contacting 08452 777 778 or by contacting Education Financial Services on 01307 476317.

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EMPLOYMENT OF CHILDREN BYELAWS

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The following notes are issued for the guidance of parents, young people and employers and give only a broad outline of the relevant sections of the Children (Protection at Work) Regulations 1998 and Angus Council's byelaws on the employment of children. A full copy of the byelaws may be obtained from the Head of Law and Administration, Angus House, Forfar. These notes are intended for guidance only and are not an authoritative statement of the law. Any parent or employer wishing further advice as to the law should seek independent advice from a solicitor or the Citizen's Advice Bureau.

The Employment of Children Byelaws regulate the types of occupation in which children under school leaving age may be employed, and other conditions of employment. They provide for checks on a child's fitness for employment and for the issue of employment permits which set out the occupation in which the child may be employed and his/her hours of work. Employers are obliged to notify the Education Department of any child employees. Additional requirements are imposed for the employment of children in street trading, for which a street trader's licence is required.

These Byelaws do not apply to children undertaking work experience under the Education (Scotland) Act 1980. Separate regulations apply to work experience and further guidance on these regulations is available from the Education Department, Angus House, Forfar DD8 1AE.

1 DEFINITIONS

- **A 'child' means a person who is not, for the purposes of the Education (Scotland) Act 1980, over school age.**

A child who is 16 years of age between 1 March and 30 September in any given school year is deemed to be over school age on 31 May of that school year.

A child who is 16 years of age between 1 October and 28 February in any given school year is deemed to be over school age after the end of the Christmas term of that school year.

- **'Employment' includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance.**
- **'Parent' includes any person who has parental responsibilities and rights under the Children (Scotland) Act 1995.**
- **'Light work' means all work, which on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed is not likely to be detrimental or harmful to the safety, health or development of children and is not such as to be harmful to their attendance at school, their participation in vocational guidance or training programmes or a work experience under section 123 of the Education (Scotland) Act 1980 or their capacity to benefit from the instruction received.**

2 PERMITTED EMPLOYMENT

Permitted employment of children under 13

- A child aged 10 or over may be employed on an occasional basis by and under the direct supervision of his/her parent or guardian in light agricultural or horticultural work.

Permitted employment of children aged over 13 and under 15 years of age

- A child may not be employed except in light work (up to 12 hours per week) in one or more of the following permitted areas of employment as detailed below.
 - agricultural or horticultural work
 - delivery of newspapers, journals and other printed material, and collecting payment for same, subject to the provisions of byelaw 3(l)
 - shop work, including shelf stacking
 - hairdressing salons
 - office work
 - car washing by hand in a private residential setting
 - in a café or restaurant
 - in riding stables
 - domestic work in hotels and other establishments offering accommodation

The daily working limits are 2 hours per school day, 2 hours on Sunday and no more than 5 hours on Saturday.

Permitted employment of children aged 15 and over

- A child may not be employed, except in light work up, to 12 hours per week.

The daily working limits are 2 hours per school day, 2 hours on Sunday and no more than 8 hours on Saturday.

Employment before school

- 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.

3 PROHIBITED EMPLOYMENT

- No child of any age may be employed -
 - in a cinema, theatre, discotheque, dance hall or night club, 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
 - to deliver fuels
 - in a commercial kitchen, except as a waiter or waitress, in any hotel, restaurant or café
 - to collect or sort scrap metal, refuse etc, except in clearing of litter or tidying up of lands and buildings being undertaken as part of a major sporting or recreational event
 - 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 sell or canvass door to door
 - in work involving direct 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
 - in the personal care of residents or any residential care home or nursing home unless under the supervision of a responsible adult
 - in any employment directly connected with gaming or betting
 - in any employment in or about any fish curers premises
 - in driving, feeding or attending to animals in any auction, mart or public place

4 STREET TRADING

- The standard Byelaws issued by the Secretary of State included a prohibition on children under the age of 14 engaging in street trading but permitted children of 14 or over to engage in street trading if they were employed to do so by their parents in connection with

the parents' retail business and under their parents' direct supervision and where the parents had been granted a licence by the appropriate Local Authority to do so. Angus Council, however, consider it inappropriate that children should be involved in any form of street trading and any application for a street traders licence in terms of the Civic Government (Scotland) Act 1982 would be considered by the Civic Government Licensing Committee of the Local Authority with a recommendation of refusal.

5 NOTIFICATION OF EMPLOYMENT AND EMPLOYMENT PERMITS

• Within one week of employing a child, the employer must send to the Authority written notification stating:

- his/her own name and address
- the name, address and date of birth of the child
- 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 above, the place of employment
- a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent/guardian
- details of the school at which the child is a registered pupil
- a statement to the effect that an appropriate risk assessment has been carried out by the employer

• Where, on receipt of a notification, the Education Authority is satisfied that:

- the proposed employment is lawful
- the child's health, welfare or ability to take full advantage of his/her education would not be jeopardised
- the child is fit to undertake the work for which he/she is to be employed
- it will issue the child with an employment permit

• Before issuing an employment permit an Education Authority may require a child to have a medical examination

• The employment permit will state

- the name, address and date of birth of the child
- 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

• Any refusal to issue a permit or withdrawal of a permit will be at the discretion of the Director of Education of the Education Authority.

INFORMATION FOR COMPLETION OF PERMIT APPLICATION

- A child may be employed only in accordance with the details shown on his/her employment permit.
- The Education Authority may amend a child's employment permit from time to time on the application of the employer.
- The Education Authority may at any time revoke a child's employment permit if it has reasonable grounds to believe:
 - that the child is being unlawfully employed, or
 - that his/her health, welfare or ability to take advantage of his/her education are suffering or likely to suffer as a result of the employment
- A child must produce his/her employment permit for inspection when required to do so by an authorised officer of the Education Authority or a police officer.
- **A computer database will be used to store the information given on this form. The data will be processed in compliance with the Data Protection Act 1998.**

ANGUS COUNCIL

QUESTIONS FREQUENTLY ASKED REGARDING BYELAWS ON THE EMPLOYMENT OF CHILDREN

Listed below are some of the questions frequently asked by parents and employers with regard to the employment of children.

If you have any further queries please do not hesitate to contact the Education Department, Angus House, Orchardbank Business Park, Forfar.

- **Q What age do I need to be to have a part-time job?**
A At least 13, depending on nature of work. The Bye-laws specify in more detail the type of work that can be undertaken. (The Bye-laws do not apply if you are over the compulsory age for attending school).
- **Q Is it illegal to have a job at age 12?**
A Yes, it is illegal. Children aged between 10 and 13 can work only for their own parent(s) and then only in light agriculture/horticulture. A child below age 10 cannot have a job in any circumstances.
- **Q What hours can I work on a school day?**
A Children may be employed for no more than two hours on a school day subject to a maximum of one hour between 7 am and 9 am and no later than 7 pm in the evening on any day.

No child may be employed for more than two hours on any Sunday.
- **Q What do I have to do before starting a part-time job?**
A You must apply for a permit from the school before you commence work with an employer.
- **Q How do I apply for a permit?**
A During term time application to be submitted to the school.
- **Q What happens if I want to change my job/employer?**
A A fresh application should be submitted.

PERMIT NO :

ANGUS COUNCIL - EDUCATION DEPARTMENT
CHILDREN (PROTECTION AT WORK) REGULATIONS 1998
CHILDREN & YOUNG PERSONS (SCOTLAND) ACT 1937
EMPLOYMENT OF CHILDREN BYELAWS

Application for permit to engage in permissible employment under the Bye Laws made by Angus Council

Part 1

- 1 Child's Name 2 Date of Birth
- 3 Child's Address
- 4 Tel. No 5 School

Part 2 - To be completed by employer (please read accompanying notes prior to completion)

- 1 Employer's Name & Nature of Business
- 2 Business Address
Telephone Number
- 3 Occupation in which the child is to be employed
- 4 Details of task involved
- 5 Where will the child be employed?
- 6 Hours of employment excluding meal breaks - state clearly the times of starting and finishing

No child shall be employed before 7 a.m. or after 7 p.m. on any day

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	From To	From To	From To	From To	From To	From To	From To
a.m.							
p.m.							
TOTAL HOURS							

NOTES

The total time worked in any school day must not exceed 2 hrs and up to 8 hours on a Saturday for pupils aged 15 and over (5 hours for pupils between 13-15 years of age) and 2 hours on a Sunday.

A child must have at least 2 consecutive weeks without employment each year during the school holidays.

I confirm that a risk assessment has been carried out with regard to the proposed employment of the above child.

Details of risks/hazards associated with this job:

.....

Preventative/protective measures which will be provided by the employer, e.g. protective clothing:

.....

8 Employer's Signature Date

No liability will be implied that the Council have assessed any risks in connection with the employment of the above child and no liability will be accepted by Angus Council for any injury, loss or damage suffered by the child.

Part 3 - To be completed by parent/guardian (please read accompanying notes prior to completion).

1 Name

Address

..... Telephone No:

I have read Part 2 of this form. I agree to my child being employed in the job described in Part 2 and I am satisfied that my child is fit to undertake the job. (The child's doctor should be consulted if there are any doubts about a child's fitness).

3 Signature Date

Relationship to Child

Part 4 - To be completed by the Head Teacher or appropriate member of staff

1 With reference to the Guidance Notes on the employment of children under the Children (Protection at Work) Regulations 1998 and Angus Council's Byelaws does the proposed employment comply with the byelaws? **YES/NO**

If no, please give details of the nature of the breach or area of concern

.....

2 Is the child in regular attendance at school? **YES/NO**

If no, give details

3 Will the proposed employment interfere with the child's health, welfare or ability to take full advantage of his/her education? **YES/NO**

If yes, give details

Having considered the information above I hereby agree that an employment permit should be issued/not be issued.

Signed Date

(Authorised signatory)