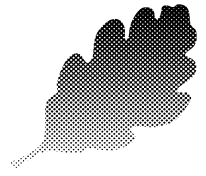


# Midlothian Council

Children, Young People & Partnership

Child Employment Licence – Policy Guidelines Administration, July 2024 – 5<sup>th</sup> Revision



## **Child Employment**

### **1.0 INTRODUCTION**

Anyone who employs a child (child being 13 years old and over and under 16 years old) on a part time basis **must** obtain a Child Employment Permit.

Child Employment Permits are issued free of charge by visiting [www.midlothian.gov.uk](http://www.midlothian.gov.uk). All permit applications should be submitted to [child.employment@midlothian.gov.uk](mailto:child.employment@midlothian.gov.uk), if the proposed employment meets certain criteria.

#### **Nobody may employ a child:**

- if they are under 13 years old;
- before 7am or after 7pm on any day;
- for more than two hours on any day which the child is under obligation to attend school;
- for more than two hours on any Sunday;
- before the close of school hours on any day under which the child is under obligation to attend school;
- for more than 8 hours on a Saturday or during school holidays if they are 15 years old;
- for more than 5 hours on a Saturday or during school holidays if they are 13 or 14 years old;
- for more than 4 hours on any day without a rest break of at least one hour; or
- for more than 12 hours per week during term-time.

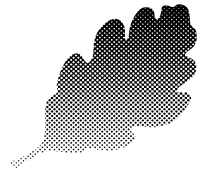
#### **Maximum weekly hours of work during school holidays:**

- 25 hours per week if they are 13 or 14 years old.
- 35 hours per week if they are 15 years old.
- At least two weeks per year free from work during the school holidays.

### **2.0 HEALTH AND SAFETY**

An employer must only employ a child to do light work that is unlikely to be harmful to their health, safety, development or attendance at school.

The Health and Safety (Young Persons) Regulations 1997 requires an employer to carry out a risk assessment specifically related to the child before employing them.



## **The risk assessment should consider the:**

- immaturity and inexperience of the child and any consequent lack of awareness of risks;
- health and safety training given;
- extent of exposure to any chemical, biological or physical agents;
- nature and layout of the work area; and
- types of equipment, methods of use and work activities undertaken.

An employer must not expose a child to risks at work arising from their lack of maturity or experience and any consequent lack of awareness of dangerous or potentially dangerous situations.

## **In particular, an employer must not expect a child to work:**

- beyond their physical or psychological capabilities;
- where there is harmful exposure to radiation;
- where there are risks to health from noise, vibration or extreme heat/cold; or
- where there is harmful exposure to any agents which can chronically affect health, including those with toxic or carcinogenic effects, or those causing genetic damage or harm to an unborn child.

An employer must communicate the findings of the risk assessment, together with any necessary protective/preventative measures, to a person with parental rights and responsibilities for the child, if the child is under school leaving age.

## **3.0 LOCAL BYELAWS**

Councils have the power to make Byelaws affecting the employment of children in their area. The Byelaws may vary between councils to reflect local circumstances.

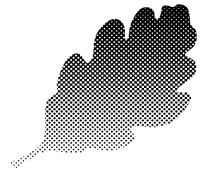
### **The Byelaws list the:**

- prohibited jobs for all children;
- permitted jobs for children aged 13; and
- permitted jobs for children aged 14 and over.

## **4.0 MIDLOTHIAN COUNCIL BYELAWS ARE AS FOLLOWS:**

### **CHILD EMPLOYMENT PERMIT**

An employer should not employ a child without a Child Employment Permit, but there may be circumstances where an employer has to employ a child at short notice. In such cases, the employer must send the completed Child Employment Permit application form to [child.employment@midlothian.gov.uk](mailto:child.employment@midlothian.gov.uk) within one week of the date of commencement of 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, 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 canvas 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 slaughter house 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 of any residential care home or nursing home unless under the supervision of a responsible adult; or
- in street trading unless if the proposed employment meets the criteria stipulated in section 17 A or B of the Byelaws.

**A child aged 14 or over may be employed only in light work.**

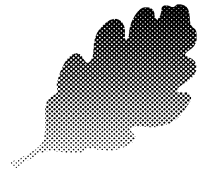
**A child aged 13 may not be employed, except in light work in one or more of the following specified categories:**

- agricultural or horticultural work;
- delivery of newspapers, journals and other printed material (and collecting payment for same under supervision of an adult);
- 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 or other establishments offering accommodation.

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### **Employment before school**

A child 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.

### **5.0 ADDITIONAL CONDITIONS**

No child may be employed in any work out of doors unless wearing suitable clothes and shoes. Such suitable clothes and shoes must be provided by the employer if not otherwise available.

Where the use of any form of transport is necessary during the child's employment, the employer must ensure that proper safety precautions are enforced at all times.

### **FURTHER INFORMATION**

Child Employment  
Midlothian Council  
Education, Communities and Economy  
Fairfield House  
8 Lothian Road  
DALKEITH  
EH22 3ZG

Telephone (0131) 271 3719  
[child.employment@midlothian.gov.uk](mailto:child.employment@midlothian.gov.uk)  
[www.midlothian.gov.uk](http://www.midlothian.gov.uk)