

**REPORT TO EDUCATION LEARNING & LEISURE COMMITTEE:
29 OCTOBER 2009**

**SCHOOLS WORK LICENCES
THE PROTECTION OF CHILDREN AND YOUNG PEOPLE AT WORK**

1. Purpose

- 1.1 The purpose of this report is to inform members of the legislation involving the employment of children and young people at work. It further seeks approval from members to amend information and thereby provide advice to young people, parents, schools and employers.

2. Background

- 2.1 The Scottish Executive brought forward regulations in 2006 concerning "The Children (Protection at Work) (Scotland) Regulations which brought Scotland into line with EU Directive 94/33 on the protection of young people at work. The regulations which came into force on 18th April 2006, limited to 12 hours, the number of hours per week that any child below the minimum school leaving age can work during school term time. The school leaving age is calculated for regulatory purposes as being up to the point when a child celebrates their 16th birthday.
- 2.2 Prior to this the governing legislation, the Children and Young Persons (Scotland) Act 1937, had allowed young people under the age of 15 to work a maximum of 17 hours per week within school term time.
- 2.3 Within the new 12 hour per week limit, the daily limits in respect of school term time are as follows:
- 2 hours per school day
 - 2 hours on a Sunday
 - 8 hours (over 15 years of age) and 5 hours (under 15) on a Saturday
- 2.4 The regulations are supported from an enforcement perspective by Aberdeenshire Council's "Employment of Children Byelaws" which came into force (following approval from Scottish Ministers on 27th August 1999) on 5th September 1999. At the time when the new regulations came into force in 2006, the Council's bye laws were reviewed and did not require to be amended as they supported the new legislation.
- 2.5 Secondary schools in Aberdeenshire are required to respond to requests from pupils, parents and employers, to provide licences for pupils, as appropriate, to undertake work for a prospective employer. In such circumstances a licence will normally be applied for and granted as long as there is no proposed breach of the Regulations, or the Council's Byelaws. However, in extenuating circumstances the schools may refer individual cases to Senior

Officers, within the E,L&L Service, where it is felt that the proposed employment may have a detrimental effect on the school pupil's education.

- 2.6 A copy of Aberdeenshire Council's Byelaws relating to the employment of children is attached (appendix 1).
- 2.7 All current information held by schools refers to the previous legislation which was in force prior to 2006 and schools have not been advised of the relevant changes.
- 2.8 The current licensing documents require to be updated in line with the new Regulations and information to pupils, parents, employers and the police (as enforcing agents) requires to be updated and communicated.

3. Proposals

- 3.1 All licensing information is reviewed and brought up to date and is communicated to schools.
- 3.2 Pupils and parents should be made aware of the regulations through the following means of communication:
 - School's prospectus should contain or have up to date information relating to the employment of children and how to make application for a licence.
 - Schools should receive a circular providing information updating them on the new regulations and providing appropriate links to policy information.
 - Reference should be made to "The Children (Protection at Work) (Scotland) Regulations 2006" in the next edition of the EL&L Services "Notes for Parents".
 - Information leaflets should be made available in schools and in other relevant Council premises.
- 3.3 Information on the Regulations should appear within the Education, Learning and Leisure Services section on the Council's web site.
- 3.4 All electronic references on this subject should be updated in Arcadia.
- 3.5 Social Services should be made aware of this information.
- 3.6 Grampian Police should have this matter brought to their attention at a meeting of the "Task and Coordinating Group" which is held at regular intervals between the Police and the Service.
- 3.7 Employers should be made aware of the Council's stance on this matter through the various business forums that are known to exist within Aberdeenshire.

4. Area Implications

- 4.1 This information will be brought to the attention of Elected Members serving on Aberdeenshire Council's Area Committees through the Area Bulletin.

5. Staffing Implications

5.1 There are no staffing implications.

6. Sustainability

6.1 There are no sustainability implications arising directly from this report for the EL&L Service.

7. Financial Implications

7.1 Costs associated with the implementation of proposals contained in section three will be met out of the appropriate E,L&L revenue budget.

8. Consultation

8.1 The Section 95 Finance Officer and the Monitoring Officer with Corporate Services and the Director of the Housing and Social Work Service have been consulted and are in agreement with the contents of this paper.

9. Recommendations

The Education, Learning & Leisure Committee is recommended to:

9.1 Approve the proposals contained within section three of this report.

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