

Information for new foster carers on Child Employment

Is your foster child interested in finding holiday, after school or weekend work? If so you may not know what is and is not permitted in law and the following information may help to guide you through what you need to do and what the employer is legally required to do.

The law about children working is complicated but the legal principles come from The Children and Young Persons Act 1933, The Children (Protection at Work) Act 1963 and The Devon Byelaws 1998

The Child Employment Regulations apply to **all** children from the age of thirteen (when they can legally begin to work) to the last Friday in June of the school year in which they reach their sixteenth birthday. There is some confusion with this because some employers believe that the legislation ceases to be enforceable once the young person reaches the age of sixteen. This is **not** the case and every child working who is still of compulsory school age must have a work permit which is issued by the LEA in which they are living, otherwise the employment is illegal .

It is the employer's legal responsibility to apply for work permits for the children they employ and normally the parent(s) would be required to sign the application form and give their consent. As the child's carer, you would need to contact social services to find out whose permission is required e.g. case manager/natural parent. You should therefore check the hours the child will be working, the job description and what risk assessment has been undertaken to ensure the terms of the employment is legal.

Devon Education Welfare Service employ an Education Welfare Officer (Christine Ellison) who has responsibility for Child Employment and can be contacted on 01392 384713/383948.

There is also a Devon County Council information leaflet available on Child Employment, which you can obtain from the child's school or from Devon Education Welfare Service, Great Moor House, Bittern Road, Sowton, EX2 7NL. This information is also available on the Devon County Council website on www.devon.gov.uk/education_welfare.htm

The following points cover the most frequently asked questions

- Children aged 13/14 are not allowed to work as many hours in school holidays as children aged 15/16

- The number of hours children can work differ between term and holiday time
- **No** child of compulsory school age eligible to work can start before 7am or finish after 7pm. Many children have been found to be working after 7pm particularly in the catering trade but this is illegal and the employer can be prosecuted.
- **No** child can work more than 2 hours on a Sunday or a school day in term time or holiday time.
- A work permit is only valid for the hours stated on the application form and would not cover a child working extra hours or before 7am and after 7pm at night.
- Children must have a permit for **every** job they do i.e. the permit is for the job not the child.
- Children working without a permit would not be covered by the employers insurance should they be injured at work.
- There are many areas of work that children cannot be employed in and would never be given a permit for. These are covered in the information leaflet and website information.
- If a family has its own business and is employing their own children (or foster children) they still need a work permit.

If your foster child is already working and you have not seen the yellow work permit application form, it is likely that the child is working illegally. You can ring the Child Employment Officer on 01392 384713 or the administrator on 01392 383948 and ask them to check if a permit has been issued.

Lastly, do not confuse holiday/weekend work with work experience organised by the child's school. Children employed under this arrangement may be undertaking work we could not issue a permit for once work experience has finished. The Education Welfare Service is not responsible for these work placements and they are quite separate from child employment and the law governing it.