

Employment of Young People

These 'Good Practice Guidelines' have been drafted by Connexions Black Country, and are endorsed by Connexions:Involve, a sub-group of the NACP Policy Committee. They are based on Connexions Partnerships' experience of employing young people, and aim to assist partner agencies in children's trusts to formulate their own policy and practice. The Guidelines relate to the employment of 13 -19 year olds and are divided into three sections as follows:

	Page
1. Legislative framework	1
2. The employer	4
3. The young people	5
4. Useful websites	7

1. Legislative Framework

Clear guidance on employing Young People can be found on the Business Link website <http://www.businesslink.gov.uk>. A summary of the information is set out below:

1.1. Workers under 16: the rules

Under the Children and Young Persons Act no child under 13 may be employed. There is an exception for certain types of performance, such as acting, where a part can only be undertaken by a child of that age. Working hours are strictly controlled and in most cases require a licence from the child's local authority.

Responsibility for issuing permits normally rests with the local education welfare service or equivalent. Nobody under 16 may be employed in manufacturing or any dangerous activity.

A young person can leave school on the last Friday in June if they are 16 or will be 16 before the start of the next school year.

National Law

In England, Wales and Scotland young people aged between 13 and the minimum school-leaving age may not do any work, paid or unpaid;

- before 7am or after 7pm
- for more than two hours on a school day or Sunday
- for more than 12 hours a week during term time

- in the holidays for more than 25 hours a week – 35 hours if aged 15 or over

There are rules about rest breaks, time off and holidays for young workers.

There is a need to do a risk assessment before taking on school-age workers, or review the existing risk assessment.

Your local authority

Your local authority might have its own rules affecting school-aged workers so it's important to check on these by-laws too.

You must also notify your local authority. They may require:

- Evidence that the job will not be dangerous – your risk assessment and health and safety policy will be useful for this
- A permit for each worker issued by your local authority or your local education authority

Statutory maternity and paternity pay

Since 1 October 2006 the age limits for statutory maternity pay (SMP) and statutory paternity pay have been removed. This means that if a pregnant young woman or an expectant father is legitimately employed before reaching age 16 and meets the qualifying conditions, they are eligible for these payments.

1.2. Workers aged 16 and 17: the rules

If workers are over the minimum school-leaving age but under 18, they must not work for more than eight hours a day or 40 hours a week. If you employ anybody in this age group you must also give them:

- A break of 30 minutes every four and a half hours worked
- A rest period of 12 hours between each working day
- Two days off a week

All 16 and 17 years olds are also entitled to a national minimum wage of £3.30 an hour. Apprentices under 19 are exempt from the national minimum wage, but all employed apprentices funded through the Learning and Skills Council (LSC) must receive a minimum income of £80 per week.

Risk Assessments

You must carry out, or review, a risk assessment, paying attention to the health and safety implications of employing young people. Consider their immaturity as well as their inexperience when you do this. Health and

Safety arrangements are to be found in the Management of Health and Safety at Work Regulations 1999, Reg 19.

Under 18's may be employed in certain dangerous environments only if it is necessary for their training, and they are supervised and the risks are minimised.

Training

If you take on an employee aged 16 or 17 who has not received a certain level of education, they may be entitled to paid time off for study or training. Your business may be entitled to financial help toward the cost of this – see the DfES website for Guidance on time off for study or training young people

Young employees who believe they have suffered a detriment because of requesting time off for training or have been refused it may complain to an employment tribunal.

1.3. Young workers over 18: the rules

You may still have special responsibilities to young workers, even when they are over the age of 18.

National minimum wage:

At 18, you must pay young workers at least the national minimum wage. This is:

- £4.45 per hour for people aged 18 to 21
- £5.35 per hour for those aged 22 and over
- £4.45 for those aged 22 or over who are receiving accredited training for their first six months with a new employer

Health and Safety

The Health and Safety (Young Persons) Regulations 1997 require employers to safeguard the health of the young workers they employ.

Before recruiting a young worker, employers have to assess the risks to their health and suitability of the proposed work. This means taking into account the lack of experience, maturity and risk awareness of young workers.

Training

If you take on an employee aged 18 to 24 who has been claiming Jobseeker's Allowance for six months or more, they may be eligible for the New Deal. In addition to their statutory rights to two days off a week, you must give a New Deal employee at least one day off a week, or its

equivalent, for study for a period of up to six months. You may get financial help to fund this.

You may be required to give 18-year old employees paid time off to complete study or training begun when they were 16 or 17 if they had failed to reach a certain standard of education at school. For further information, read about time off for studying or training for young people on the Department for Education and Skills website www.dfes.gov.uk

2. The Employer

As an employer of Young People there are a number of areas that need to be considered. Some of the areas listed will be the same as those which would need to be considered for an employer of adults, other areas may be specific to the employment of Young People.

2.1. Recruitment Process

- Clear job description personal specification and clear terms and conditions of service and contract which are jargon free.
- Advertise posts in appropriate medium that young people are likely to access
- Ensure young people understand the roles they are applying for at the interview
- Rigorous interview process which enables young people to demonstrate the full range of skills they might need
- Salary level is set appropriate to the role, not the age of the young person
- All young people have CRB checks

2.2. Induction Period

Undertake an initial basic assessment of the young person's capabilities including Basic Skills: this is particularly important for a first job.

Be clear about what is expected of the young person:

- Managers are clear what they expect from young people and the young person knows what those expectations are
- Provide a comprehensive induction package
- Measuring and assessing the level of emotional and personal development of young people to ensure they are not put into inappropriate roles

- Where young people were previously volunteers within an organisation employers and staff need to acknowledge the young person's changed role

2.3. Support

- Identify support structures for young people and ensure they are understood, this could include mentoring, line management, supervision, peer group support
- Young people have Connexions PA support if needed

2.4. Progression

- A clear progression route, (what do you need to be able to do, to move on)
- An exit strategy for young people, particularly employed on time limited contract
- Appropriate training (accredited)

2.5. Management

- Ensure staff are appropriately skilled to manage young people
- Provide training for staff where necessary, on managing young people
- Managers expectations are age and ability appropriate
- Ensure that adults value and respect that young people are doing a real job
- Clarify young people's role with other agencies

3. The Young People

For some young people this may be their first paid employment. Each young person should be clear what is expected of them and what support they will receive, from whom.

Areas that may need consideration are:

3.1. Information

- Expectations regarding timekeeping
- Absence / sickness procedures
- Salary – managing monthly salaries
- Induction process that is comprehensive and of an appropriate length

- How ready are young people for the world of work, what they will be expected to know
- Who do you go to for what?
- Information about the role is available to young people prior to their application

3.2. Setting the Boundaries

- Accountability of young people – to self, manager, organisation
- Responsibility of young person – to self, clients, manager, organisation and colleagues
- Appropriate use of resources – mobile phones, laptops etc
- Travel / safety
- Acceptable / unacceptable behaviour
- Transition for young people as volunteers to paid staff – and possible different expectations
- Young people clear what their role is
- Appropriate dress/behaviour
- Confidentiality, professional boundaries

3.3. The Work

- Recording work / portfolio of evidence
- Why and how to record the work that they have done

3.4. Training

- Structured learning and development opportunities
- Time off for college or agreed training

3.5. Entitlement

- Their rights as employees
- Accessible and appropriate support and supervision.

4. Useful websites

Business Link – for an overview of the law www.businesslink.gov.uk

Connexions Direct - for a wide range of advice and information for 13 – 19 year olds www.connexions-direct.co.uk

DfES – for resources to recruit and train staff www.dfes.gov.uk/employers

Department of Trade and Industry (DTI) – for information about the national minimum wage www.dti.gov.uk/employment/pay/national-minimum-wage/index.html

Learning and Skills Council – for information about apprenticeships www.apprenticeships.org.uk/employers/aboutapprenticeships

and for 'Supervising the safe learner' - guidance for employers on supervising young people
<http://readingroom.lsc.gov.uk/pre2005/quality/goodpractice/guidance-employers.pdf>

National Education Business Partnership Network - for information on work experience placements www.nebpn.org

Net Lawman - for a summary of the law relating to employing young people
<http://www.netlawman.co.uk/info/employing-younger-staff.php>

Teachernet – for information about apprenticeships:
www.teachernet.gov.uk/teachingandlearning/14to19/vocationaloffer/Apprenticeships/