

**THE EXECUTIVE**

**9 NOVEMBER 2004**

**REPORT OF THE DIRECTOR OF EDUCATION, ARTS AND LIBRARIES**

<b>AMENDMENT TO BYELAWS REGARDING EMPLOYMENT OF CHILDREN 1988</b>		<b>FOR DECISION</b>
<i>Officers are seeking confirmation of amendments to Local Child Employment Byelaws.</i>		
<b><u>Summary</u></b>  The Borough implemented the Department of Health's Model Byelaws in 1998. Due to the publication of the Care Standards Act it has become necessary to amend Byelaw 3(n). An amendment has also been proposed to deal with problems around licensing for children on market stalls (Byelaw 16).		
<b><u>Recommendation</u></b>  The Executive is asked to confirm the amendments to the Employment of Children Byelaws.		
<b><u>Reason</u></b>  The implementation of the Care Standards Act has necessitated the amendment to Byelaw 3(n).  The amendment to Byelaw 16 will enable the Child Employment Officer to monitor the employment of children in markets more clearly.		
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**1. Background**

- 1.1 The Access and Attendance Team in the Education, Arts and Libraries Department (DEAL) retains responsibility for issuing work permits to young people of statutory school age (and over 13) who are seeking appropriate part-time employment outside of school hours, as defined within the Byelaws for Employment of Children 1998.

- 1.2 The Service seeks to promote the welfare of children and young people by ensuring that they are not engaged in hazardous occupations inappropriate to age, or are being unnecessarily exploited.
- 1.3 The Access and Attendance Officers visit shops and establishments during the summer breaks in order to undertake checks in relation to employment and also to provide copies of bye-laws, provide advice and guidance to employers etc.

## **2. Proposed Amendments**

- 2.1 Within the existing Byelaws, produced in 1998, proposed amendments have become necessary, which are as follows:

- 2.1.1 Clause 3(n) needs amendment to reflect changes introduced under the National Minimum Standards by the Care Standards Act 2000, to read as follows:

### *Prohibited Employment*

3. *No child of any age may be employed*

*(n) in the personal care of residents of any residential care home or nursing home.*

Previously, Byelaws suggested that such work could be undertaken with the direct supervision of a responsible adult.

- 2.1.2 Clauses 16 b + c also require amendment, to read as follows:

### *Street Trading*

16. *No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless:*

*b) he has been granted a licence to do so ('employment licence') by the authority and is acting in compliance with the terms of that licence; and*

*c) the hours and days on which the child is to be employed are as follows:-*

*4pm to 6pm on the days which he is required to attend school and for a maximum of 5 hours if aged 14 and a maximum of 8 hours if aged 15 or 16, on Saturdays and during school holidays. The areas within the authority where street trading shall take place are Barking Market and Dagenham Market.*

- 2.1.3 Clause 16b needs amendment owing to the difficulties experienced by the Authority in monitoring the employment of children in street trading. Currently, a street trader's licence is issued by the Market Manager to the street trader and not the child. The Access and Attendance Team, who issue employment licences for children therefore have difficulties monitoring the type of work done, hours worked etc by children who are employed in street trading.
- 2.1.4 Clause 16c requires amendment in order to reflect the changes introduced under the Children (Protection at Work) Regulations 2000 S.I. 2000/2548.

### **Background Papers**

Employment of Children Bylaw 1988

Care Standards Act