

# YOUNG PEOPLE AND EMPLOYMENT POLICY

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## Policy Statement

This policy reflects the current government guidance on employing young people. This does not include apprentices, as the National Apprentice Scheme has its employer guidance which is issued at the commencement of the apprenticeship.

This organisation adheres fully to the policy set out below and are fully aware of their obligations as an employer in respect of employing younger people.

## Covid-19

Volunteers under 18 are not required to be vaccinated to be able to work in social care. They will need to book their vaccine 8 weeks before their 18<sup>th</sup> birthday to continue volunteering

## The Policy

This policy raises awareness of the issues involved in employing young people. Managers involved in the recruitment and selection of this group of workers will be familiar with the policy and will implement it in its entirety. When necessary, further advice can be sought from the registered manager.

## Definitions of General Rules on Employment

For this policy the following definitions apply:

**Child** means someone aged under 14 years.

**A young person** means someone aged 14 years or over, but under 18 years.

Young people over school leaving age but under 18 are known as **young workers** (young people can leave school on the last Friday of the June of the school year in which they are 16).

There are special laws to protect the employment rights of young workers. These relate to their health and safety, what jobs they can do when they can work, and how many hours they can work.

The laws concerning young workers are very strict and this organisation could be prosecuted for breaking them.

If you are over school leaving age and an employee, you will have other rights in addition to the rights of young workers. These are mentioned below, e.g. it is against the law to discriminate against you because of your age.

### **Health and Safety at Work**

For employees under 18 years old, this organisation will assess possible risks to their health and safety before the commencement of employment. We will pay particular attention to their age and lack of experience, and take into account other factors that could be a risk to their health and safety while at work.

If they are under school leaving age (see general rules of employment), we will also inform their parent(s) or guardian(s) of the result of their assessment. This will include any risks identified and measures put in place to minimise and manage those risks to help protect their health and safety when at work.

### **Permitted Work for Children and Young People (16 – 18-year Old)**

For those over school leaving age (see definition above) and under 18 years, special restrictions apply to work that:

- You are not physically or mentally capable of doing.
- Brings you into contact with chemical agents, toxic material, or radiation.
- Involves a health risk because of extreme cold, heat or vibration.

You are only allowed to do the work above under circumstances where: it is necessary for your training AND an experienced person is supervising you AND any risk is reduced to the lowest level that is reasonable.

### **Children/Young People under School Leaving Age (England and Wales only)**

(See definitions under general rules on employment)

No one under school leaving age can be employed and perform anything other than light work; they are not allowed to do work that is likely to be harmful to their safety, health or development, which includes work that affects their attendance at school or participation in work experience. They are not allowed to work:

- In a factory or construction work.
- In transport.
- In a mine.
- On a registered merchant ship.

**Note:** local authorities may also have some extra rules, called by-laws, that concern the employment of children and young people in their area, e.g. street trading. Where these exist, they will detail the days, hours, and places.

## **Employment of Children under 14 Years Old**

Such persons are not allowed to work at all, except in the following types of work:

- Sport, advertising, modelling, plays, films, television or other entertainment. The employer must apply for a license from the local authority.
- Odd jobs for a parent, relative or neighbour.

Byelaws might state that children of 13 years and above can do a paper round.

## **Hours of Work and Rest Breaks**

### ***16 – 18 Year Old***

If an employee is over school leaving age (see definitions above) and under 18 years the following restrictions apply, and they must

- Not work more than 8 hours a day.
- Not exceed more than 40 hours in a week.
- Have a minimum of 12 hours rest between each working day.
- Have two rest days per working week.
- Take a 30-minute rest break for every four and a half hours worked.

There are special limits on the hours worked at night.

There are some exceptions for young people that work in a hospital, agriculture, retail hotel and catering, bakeries, post/newspaper deliveries or in connection with cultural, artistic, sporting or advertising activities; however, these exceptions do not apply within this organisation.

### ***Children and Young People under School Leaving Age***

(See definitions under general rules on employment)

There are strict limits to the number of hours these children and young people can work. They must not work:

- During school hours on any school day.
- For more than 2 hours on any school day or more than 12 hours in any week that they are required to go to school.
- For more than 2 hours on a Sunday.
- For more than 8 hours (5 hours if under 15 years old) on any day that is not a school day or a Sunday.
- Before 7 am or after 7 pm.
- For more than 35 hours (25 if under 15 years old) in any week in which they are not required to go to school.
- For more than 4 hours in any day without a break of 1 hour.

### ***Paid Holidays from Work***

Those under school leaving age are not legally entitled to paid holiday from work.

Those over school leaving age are entitled to paid leave in line with other paid workers. They are entitled to 5.6 weeks' paid holiday per year, pro-rata.

## **Wages**

For those 16 years or over the national minimum pay rate applies.

For those under 16 years, there is no entitlement to the national minimum wage.

## **Time Off for Study or Training**

If an employee is aged 16 or 17 years and has not yet achieved a certain standard of education or training, they are entitled to reasonable time off for study or training.

This organisation will ensure that all staff to whom this policy applies will be treated fairly during the interview and recruitment process, and after selection will ensure that all elements of this policy will be incorporated into their induction. All staff involved in recruitment and selection will be made aware of this policy in conjunction with all other relevant recruitment and selection policies.

## **Related Policies**

Adult Safeguarding

Health and Safety

Recruitment and Selection

## **Related Guidance**

ACAS Employing Younger Workers:

[www.acas.org.uk](http://www.acas.org.uk)

Skills for Care Employing Workers Aged 16-18:

[www.skillsforcare.org.uk](http://www.skillsforcare.org.uk)

CQC Regulation 19: Fit and Proper Persons – Employed:

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-19-fit-proper-persons-employed>

## **Training Statement**

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary, and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, including one to one, online, workbook, group meetings, and individual supervisions. External courses are sourced as required.

Date Reviewed: March 2024

Person responsible for updating this policy: Hitendra sharma

Next Review Date: March 2025