

# HSP 04 Young persons

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## Briefings

Having read this procedure all key points must be communicated to staff that are involved in supervising young persons.

If you require any further assistance in the development of the team talk please contact your Safety, Health, Environment & Quality Manager.

## 1. Introduction

It is a manager's responsibility to ensure that all persons on the premise are adequately protected from significant hazards. This responsibility must be fulfilled to a greater extent for young persons due to their lack of experience, absence of awareness of potential risks or the fact that young persons have not yet fully matured.

No young person can be employed unless:

- She or he is supervised by a competent person;
- The risk will be reduced to the lowest level reasonably practicable.

When young persons requests work the following steps must be implemented prior to the placement of that individual. The approach for work may be via application for a vacancy, request from employee relative or friend or a request for placement on work place experience from a school or college.

## 2. Definition of 'Young Persons'

Managers must confirm the age of persons due to start work.

- A young person is anyone under 18 years old;
- A child is anyone who has not yet reached the official age at which they may leave school, just before or just after their 16th birthday (this is often referred to as the minimum school leaving age (MSLA)). A 16 year old remains classified as a child until the end of June of Year 11, even if they become 16 years old earlier in that school year.

**Note:** Children under 13 years of age are prohibited from any form of employment.

Age	Definition	Working Requirement*	Prohibited activities in Care home*
Under 13 years of age	Child	<ul style="list-style-type: none"> <li>• <b>No form of any employment</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>All employment</b></li> </ul>
13 – 16 years (MSLA)	Child	<ul style="list-style-type: none"> <li>• Registered with the local authority and have a permit. (Employers responsibility to obtain Permit).</li> <li>• 2 – 8 hours a day maximum.</li> <li>• No work on Sunday.</li> <li>• No night working</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Personal Care</b> County Bylaws normally prohibit a child to be employed in the personal care of residents of any residential care home or nursing home.</li> </ul>
16 – 18 years	Young Person	<ul style="list-style-type: none"> <li>• 8 hour max</li> <li>• No night working</li> </ul>	<ul style="list-style-type: none"> <li>• Hazardous machinery / chemicals</li> </ul>

\* See section 4 for full details

### 3. What the Regulations require?

Under health and safety law, every employer must ensure, so far as reasonably practicable, the health and safety of all their employees, irrespective of age. As part of this, there are certain considerations that need to be made for young people due to lack of experience. There is no legal requirement to produce an individual separate risk assessment for each individual and EFHL's standard risk assessments should be used.

### 4. Working hours rules

#### Under 13

NO employment

#### Age 13 – 16

A child remains subject to these regulations until the end of June of Year 11, even if they become 16 years old earlier in that school year.

- Permit required from local Council.
- No child of school age can be employed before 7am or after 7pm at any time (even during the school holidays).
- On school days a child of school age may only work two hours a day (one hour may be before school and one after school, or two hours after school)
- Sundays: a child of school age may only work two hours on any Sunday and only between 7am and 7pm
- Children aged 13 and 14 years may work on:  
Saturdays: five hours a day (maximum of 12 hours in any week)  
School holidays: five hours a day (maximum of 25 hours in any week)
- Children aged 15 and 16 years may work on:  
Saturdays: 8 hours a day (maximum of 12 hours in any week)  
School holidays: 8 hours a day (maximum of 35 hours in any week)
- Every child must have two consecutive weeks away from work during the school holidays each year.
- Child receives at least one-hour rest, after four hours work.

#### Aged 16 or 17

By law, workers aged 16 or 17 must not work more than 8 hours a day and 40 hours a week.

They must also have, as a minimum:

- a 30-minute break if their working day is longer than 4.5 hours
- 12 hours' rest in any 24-hour period in which they work (for example, between one working day and the next)
- 48 hours' (2 days) rest taken together, each week or – if there is a good business reason why this is not possible – at least 36 hours' rest, with the remaining 12 hours taken as soon as possible afterwards

#### Night working

Those aged 16 or 17 must not work after 10pm or before 7am.

They can work until midnight and from 4am if it is necessary in the following types of work: -

- Catering
- a hospital or similar
- a hotel, pub or restaurant.

But this is only if:

- there are no adult workers available to do the work
- working those hours will not have a negative effect on the young person's education or training

If they do need to work after 10pm or before 7am, the employer must make sure the young worker:

- is supervised by one or more adult workers where necessary for their protection
- has enough rest at another time if they need to work during their normal rest breaks or rest periods.

It's against the law for anyone aged under 18 to work between midnight and 4am, even if they do one of the jobs above.

## 5. Assessing the risk

To adequately manage the risk to the young persons you need to assess the risk by reviewing the existing risk assessment, ensuring no additional hazards exist due to age or inexperience of the individual. There are a number of activities which young persons should be allowed to take part in.

### Activities which young person should not be allowed to complete:

- Activities beyond his/her physical or psychological capacity;
- Involves harmful exposure to chemicals which are toxic or carcinogenic;
- Involves the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training;
- In which there is a risk to health from, extreme cold or heat, noise or vibration.
- Working with hazardous machinery.

## 6. General advice on controls

You must let the parents/guardians of any students and employees below minimum school leaving age know the key findings of the risk assessment if requested and, the control measures taken before the young people start work.

Copies of the assessment must be briefed to: the young person. If they are a child, their parent or guardian and employees supervising that young person. Briefing must be in a manner that ensures the assessment is understood.

## 7. The process

- Print off copy of Young Persons risk assessment (RAG 04). This is available on the intranet EFHL Policies / Health & Safety/ HS Risk Assessments. On this form, is a table that requires details inputting (identified in red).

- Write Name and age of Young person and confirm whether they are classified as a child or Young Persons. Write actual age in column next to category.
- Document employment role eg Receptionist, FSA etc and date.

**Fill in table below**





Name of Young Persons:			
Age of Young Person:	Under 13		No employment
	13 – 16 'Child'		If 16 Confirm they have left school (June – Year 11)
	16 to under 18		
Employment role:			
Supervisor:			
Date:			
Agreed Working Hours:		Break allocation:	
Risk Assessment (RAG) to be followed:		Additional Controls to be introduced due to age:	

- Complete Agreed working hours (refer to Working hours rules in this document -eg 8 hours a day and 40 hours a week).
- In section Risk assessment (RAG) to be followed: Reference main risk assessment that young person will be working to – eg RAG 41 Working in the kitchen.
- In the Section Additional Controls to be introduced due to age : Add any additional controls required due to age -eg Fully supervised at all times, Not to be left in the Kitchen alone, Instructed not to operate any machinery marked dangerous – eg Mixer. and any specific activities that will not be allowed.
- Talk young person through the main risk assessment (in example above RAG41 – working in the kitchen) and ensure they understand the safeguards. Provide young person with a copy of RAG 04 and ask them to sign it.

## 8. Record keeping

Records of the young persons risk assessment should be kept on file for a period of 3 years since employment ended.

These should be stored within the Young Persons risk assessment folder which can be found on the I:/Health&safety/00 – Limited Access.

 00 - Limited Access	01/06/2021 09:46	File folder
 07 - Young Persons Risk Assessments	04/02/2021 20:32	File folder
 08 - New Expectant Mothers	04/02/2021 20:42	File folder
 09 - Permits to Drive	27/05/2021 09:58	File folder

## 9. Associated documents

- RAG 04 Young persons

## 10. A Summary of the main points

Check that:

- Permits are obtained from local council before employing children.
- Managers are aware of all working restrictions related to individuals under 18 years of age.
- Managers are aware of the requirement to complete RAG04 for young persons.
- Young persons are 'talked' through relevant risk assessment prior to employment.
- Records of Young persons risk assessments (RAG04) are kept on file for 3 years.

## 11. Document history

Author	Steve Andrews (Health & Safety Manager)
Date of Implementation	26/02/2015
Date of next full review	01/01/2027

Issue	Date	Author	Reason
1.0	26/02/2016	Steve Andrews	New document – replaces old document HSP25.
2.0	03/01/2018	Steve Andrews	Full review – no changes
2.1	03/01/2019	Steve Andrews	Updated section 6 with new EFHL header in RAG04.
3.0	06/01/2021	Steve Andrews	Full document review – no changes.
4.0	11/08/2021	Steve Andrews	Added section 4. Working hours rules.
5.0	12/07/2023	Steve Andrews	Added additional information around Child employment (Section 4). Updated RAG 04 (v1.3)
6.0	20/01/2024	Steve Andrews	Full document review – added Section 9 (Associated documents).
6.0	27/02/2024	Steve Andrews	Banner updated, no other changes, issue number kept same.
6.1	05/04/2024	Steve Andrews	Update guidance as RAG 04 format changed.