



# YOUNG PERSONS POLICY

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Destroy All Previous Issues

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Author	Issue Date	Version	Document Ref	Approved By	Approval Date	Next Review	Page i
L.Hancock	Oct 2023	V1.4	H&S-28	Exec Team	Oct 2023	Oct 2026	

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# DOCUMENT CONTROL

## Document Storage

Location: p:\ops team\central policies & procedures - development - word docs\h&s - health & safety policies\hs-28 - young persons policy v1.4.doc

## Version Control Log (Only last 3 versions, earlier versions can be found in the appropriate Archive directory for the document)

Version	Date	Author	Description of Changes
V1.2	July 2019	T Hood	Reviewed, no changes
V1.3	Oct 2021	S Barnes	Reviewed, no changes
V1.4	Oct 2023	S Parmar	Reviewed, minor changes – removal of section 3 called references, changed Working Time heading

## Approval

Version	Name	Position	Signature	Approved Date
V1.1	Badger Executive	Executive Team		3 March 2016

## Glossary

Term	Description

## 1 PURPOSE

To ensure that necessary measures are in place to prohibit work by persons whose employment age is lower than the minimum age as imposed by national law (children) or 16 years in any event.

To ensure that work by young persons is controlled such that in general, young people have working conditions that suit their age and do not perform any work that might harm their safety, health or physical, mental, moral or social development.

## 2 SCOPE

This policy applies to all Badger sites.

## 3 DEFINITIONS

- Young people - young people under the age of 18.
- Children - person who is not over compulsory school age. In general terms, this means five to sixteen years. However, the sixteenth birthday does not necessarily coincide with the end of compulsory school age.
- Adolescents - young people between the ages of 16 and 18 who are no longer in full-time compulsory education in accordance with national legislation.

## 4 GUIDANCE

Because of their age, immaturity (both physical and psychological), and inexperience, young people can be at greater risk in the workplace. When they are new to the workplace, they will encounter unfamiliar risks from the work they carry out, and from the working environment. Badger is required to assess the risks to young persons and ensure that controls are put in place to eliminate or reduce any risks.

## 5 LEGAL DUTIES

The Health and Safety (Young Persons) Regulations 1997 were incorporated into an amendment of the Management of Health and Safety at Work Regulations in 1999 (amended 2003, 2006). The amendment consolidated the regulations that had been introduced over that period.

The 1999 Regulations require Badger to;

- Assess risks to all young people under 18 years of age before they start work.
- Ensure the risk assessment takes into account their psychological or physical immaturity, inexperience, and lack of awareness of risks.
- Introduce control measures to eliminate or minimise the risks so far as is reasonably practicable.
- Provide certain information to employees and to the parents/guardians of children.

Two exemptions to the requirements of the 1997 Regulations are;

- Occasional or short-term work in a family undertaking where the work is not considered harmful, damaging or dangerous to young persons.
- Domestic service within a private household.

There are a number of restrictions on the employment of children. An employer may be prosecuted for employing a child. If in doubt concerning the correct age of a child or young person, we should either demand to see a copy of that person's birth certificate, or other evidence of their age.

## 6 WORKING TIME

The European Union Working Time Directive is represented in UK law by the Working Time Regulations.

Young people:

- May not work between the hours of 10.00pm and 6.00am unless they have had a health assessment prior to commencing such work and regularly thereafter. Outside these hours young people may not work more than eight hours in a 24 hour period.
- If contracted to work after 10pm, must stop work at 11pm and not start again before 7am. There are some exceptions for young people who work in hospitals, agriculture, retail, hotels and catering, bakeries, post/newspaper deliveries, or in connection with cultural, artistic, sporting or advertising activities. You are not allowed to work between midnight and 4am, except in the most exceptional circumstances.
- Are entitled to a daily rest period of 12 consecutive hours in any 24 hour period.
- Are entitled to an un-interrupted weekly rest period of 2 days (consecutive days where possible) in every 7 day period – this may be interrupted by justifiable short periods of work, although the rest period must not be shortened to less than 36 hours.
- Working for more than 4½ hours are entitled to a 30 minute daily rest break which should be taken consecutively where possible.
- Are entitled to 20 days plus 8 bank holidays if applicable, or 28 days if bank holidays are not observed, paid leave per year after a qualifying period of three months employment.

## 7 WORK EXPERIENCE AND TRAINING

Children who are in their last year of compulsory schooling may participate in work placement schemes. The Education Act 1996 places certain limitations on the type of work. It prohibits work experience where the work concerned is subject to a statutory restriction based on age limits. There may also be local by-laws prohibiting certain work for anyone less than 16 years of age.

The Local Education Authority often manages the work experience scheme and may carry out visits prior to placements to look at health and safety arrangements.

The Health and Safety (Training for Employment) Regulations state that those receiving relevant training should be treated as employees for the purposes of health and safety legislation. Relevant training means work experience provided as part of a training course or programme, or training for employment, or both.

## 8 ASSESSING RISKS TO YOUNG PEOPLE IN THE WORKPLACE

Badger may not take young people into their employment unless:

- A risk assessment has been carried out.
- An existing assessment is reviewed, in order to ensure that any risks to those young persons are identified and addressed.

Where young persons are already employed, the existing risk assessments will be reviewed accordingly.

When assessing or reviewing the risks to young persons, Badger will take the following factors into account:

- The inexperience and immaturity of young persons.
- Their lack of awareness of risks to their health and safety.
- The fitting out and layout of their work station and workplace.
- The nature, degree and duration of any exposure to biological, chemical or physical agents.
- The form, range, use and handling of work equipment.
- The way in which processes and activities are organised.

- Any health and safety training given or intended to be given.

It is also good practice to include a review of the young person's current state of health and look at other personal factors, which may influence the risk assessment process.

## **9 TRAINING AND INSTRUCTION FOR YOUNG PEOPLE IN THE WORKPLACE**

Badger will ensure that all young people starting work are given general instruction in health and safety matters in an induction session that is geared to school leavers or others with no experience of work. Increased levels of supervision and support to young persons may be necessary during the early stages of employment.