

RECORD OF OFFICER DECISION

APPROVAL FOR MANAGEMENT OF CHILD EMPLOYMENT ARRANGEMENTS DURING COVID-19

Decision made

- Wiltshire Council to advise that all child employment arrangements must be temporarily suspended

Made by: Helean Hughes Director of Education and Skills Wiltshire Council

Background

1. Pursuant to paragraph 4 of Part 3 Section D, the Directors of Wiltshire Council are empowered to take all necessary decisions in cases of emergency. This decision is being taken by Helean Hughes using these powers in circumstances where the Director concerned believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual and/or that the interests of the Council may be compromised if this decision is not otherwise taken.

Reason for decision

1. This decision would in other circumstances be taken by **Cabinet**. However, in circumstances where the Cabinet is unable to meet to expedite its functions in a timely manner during the COVID-19 pandemic, this decision is being taken in accordance with the power referred to in paragraph 1 above by Terence Herbert CEO Wiltshire Council, Alistair Cunningham CEO Wiltshire Council and the Statutory Officers . This decision will be reported to the next meeting of the Cabinet.
2. Children who have an employment licence issued by the Local Authority may be being exposed to health risks if they continue to work
 - We cannot be confident whether Covid-19 risk assessments have been completed and that employers are observing social distancing and providing appropriate protective equipment
 - Children may be asked to work outside of the permitted hours of work
 - Children may be working without employment licences being applied for due to recruitment surge in some business areas
 - Children may be employed during school hours due to school closures
 - The work that children are employed to do may be interpreted by some employers as essential/key work.
 - Illegal employment of children will be harder to monitor at this time

3. I confirm that in making this decision I have considered the following in line with Wiltshire Council's Constitution: **(Please insert 'Yes' / 'No' / 'Not Applicable' and any other comments necessary to evidence the issue identified has been addressed)**

Key decision requirements	Not applicable
Views of relevant cabinet member(s), committee chairman, area board(s)	Yes
Consideration of the area boards and delegated decision checklist for officers on the issue of when and how to involve local councillors and area boards in decisions about local services	Not Applicable
Implication of any council policy, initiative, strategy or procedure	Yes
Consultation in accordance with requirements and expectations of consultation with the public	Not Applicable
Range of options available	Yes
Staffing, financial and legal implications	Yes
Risk assessment	Yes
Involvement of statutory officers and/or directors	Yes
Regional or national guidance from other bodies	<p>Yes</p> <p>DfE has stated the following (specifically in regard to newspaper delivery):</p> <p><i>“Though we cannot give a definitive interpretation of the law, we believe that, in the current circumstances, the work may be outside the scope of the “light work” allowed for 14-15 y-o.</i></p> <p><i>The Children and Young Persons Act 1933 states that young people of compulsory school age can only do “light work” , which means “work which, on account of the inherent nature of the tasks which it involves</i></p>

	<p><i>and the particular conditions under which they are performed—(a)is not likely to be harmful to the safety, health or development of children...”</i></p> <p><i>Though social distancing and other measures in the workplace may reduce the risk to young workers, the nature of the virus and its transmission probably means that it remains potentially harmful to young people.</i></p> <p><i>The fact that newspaper distribution is within the scope of ‘key workers’ does not change that. It is a factor in granting access to school for children of adults in that industry, but does not change the legislation on the employment of under 16s”</i></p>
The council’s constitution	Yes
This contract is suitable for execution under the e-signature process.	Not applicable

Conflict of Interest

- 4. Not applicable

Other options considered

- 5. Continuing with current arrangements

Made by: 

Helean Hughes Director of Education and Skills

Date:01/04/20

