

## RECORD OF OFFICER DECISION

### APPROVAL FOR MANAGEMENT OF CHILD EMPLOYMENT ARRANGEMENTS DURING COVID-19

Wiltshire Council has reviewed the statement from the DfE relating to child employment during COVID-19; businesses can now apply for dispensation to allow children to continue working provided they meet clear criteria to ensure the child's well-being is safeguarded and the child is able to work in safe conditions.

**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

2. 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 the Director of Education and Skills in consultation with the CEOs and Statutory Officers. This decision will be reported to the next meeting of the Cabinet.
3. Children who have an employment licence issued by the Local Authority may continue to work where the employer applies for dispensation and can provide adequate health and safety reassurances:
  - Covid-19 risk assessment is completed by the employer and submitted to the local authority
  - Parental declaration regarding the health of the child and vulnerability status of members of their household is submitted
  - Employers have shared a code of conduct document with their child employee detailing the expectations of behaviours and precautions that employees should take when working. The document will be signed by the employer, employee and parent.
  - Education Welfare Service are satisfied that the employer can meet all aspects of risk assessment
  - No child may work until employers have been advised by the local authority that dispensation has been applied.

4. 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	Yes
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	<p>Yes</p> <p>Legal recommendation is for a policy recognising the government declaration in respect of the threat posed by Covid-19, reflecting the reasons for acting to protect children; and setting out that from a <i>given date</i> ), during Covid-19, the continuation of all existing child employment permits and the issue of any new child employment employments permits will be suspended, save that businesses may apply for dispensation, then setting out non-exclusive example criteria for grant of dispensation. The local authority would then be taking a proportionate response, deciding on a case by case basis, by reference to employer and the individual child, with safeguarding of a child's wellbeing as the priority, whether proposed arrangements are such that the child is able to work in safe conditions.</p> <p>Requirements could include that a business should identify:</p> <ul style="list-style-type: none"> <li>• the work to be undertaken by employed children – days and hours, how etc</li> <li>• the necessity of employing children to carry out the role (why it could not be undertaken in any other way e.g. by the business owner/s undertaking the work)</li> </ul>

	<ul style="list-style-type: none"> <li>• other options for providing the service</li> <li>• <u>risk assessment to be provided specific to Covid-19</u>, including: travel to and during work, those to whom the children may be exposed, likelihood of being exposed to anyone with Covid-19 or to vulnerable people, how risks will be reduced throughout all aspects of the role (social distancing and PPE), checks that employed child is not a medically vulnerable person themselves (this could be by way of medical examination/certificate from GP - for which there is provision in the Byelaws), or lives with a vulnerable person, so that working would pose a higher risk etc.</li> </ul> <p>Specific parental consent (with medical information about the child and those at home who be vulnerable) should be obtained.</p> <p>This legal advice is reflected in the scheme design as set out above.</p>
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 (14.4.20) has stated the following:  The distribution of newspapers is a key activity during the current pandemic. Distributors are concerned that their ability to ensure that papers are delivered is jeopardised by some local authorities that are refusing all applications for employment permits for young people of compulsory school age, and/or</p>

	<p>withdrawing existing permits.</p> <p>It is for authorities to decide on individual cases, and safeguarding children's wellbeing is rightly their priority. They should, however, also take account of employers' measures to safeguard young workers and whether these are enough to address any safeguarding concerns and decide case-by-case rather than impose a blanket ban. We hope that authorities and distributors can find ways for young workers to work in safe conditions.</p>
The council's constitution	Yes

**Conflict of Interest**

- 5. Not applicable

**Other options considered**

- 6. Continuing with current arrangements – this was ruled out in light of the latest government guidance.

Made by:



Helean Hughes Director of Education and Skills

Date:

20.4.2020