

## ABERDEEN CITY COUNCIL

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COMMITTEE	<b>Council</b>
DATE	<b>19 August 2015</b>
DIRECTOR	<b>Gayle Gorman</b>
TITLE OF REPORT	<b>Employment of Children Byelaws</b>
REPORT NUMBER	<b>ECS/15/037</b>
CHECKLIST COMPLETED	<b>Yes</b>

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### **1. PURPOSE OF REPORT**

Aberdeen City Council last made byelaws on the employment of children in 2001 (i.e. the Aberdeen City Council Byelaws on the Employment of Children 2001) and these came into force on 14 May 2002. New Byelaws now require to be introduced to help ensure that the safe and responsible employment of children continues.

### **2. RECOMMENDATION(S)**

That Council

- approves the making of new Aberdeen City Council Byelaws on the Employment of Children, in terms substantially similar to those of the proposed Byelaws in the Appendix, but subject to any modifications which may be deemed necessary or desirable by the Head of Legal and Democratic Services and any modifications which may be made by the Scottish Ministers.
- instructs the Head of Legal and Democratic Services to arrange for all appropriate steps to be taken in order to obtain confirmation of the said new Byelaws by the Scottish Ministers.

### **3. FINANCIAL IMPLICATIONS**

There are no significant financial implications.  
Only costs required are for consultation and publicity.

### **4. OTHER IMPLICATIONS**

All children aged 13 to 16 years old must obtain from the Council (as education authority) an employment permit if they are to be employed. This is approved by the school that the child attends. Permitted times and types of employment are stipulated in the attached proposed Byelaws. Without the Byelaws, the safe and responsible employment of our children is at risk.

## **5. BACKGROUND/MAIN ISSUES**

The proposed Byelaws regulate the types of occupation in which children under school leaving age may be employed, and other conditions of employment. They provide for checks on a child's fitness for employment and for the issue of employment permits, which set out the occupation in which a child may be employed and his/her hours of work. Employers are obliged to notify the Council of their child employees.

The proposed Byelaws pertain to all children under school leaving age who wish to undertake employment. This includes children who are Looked After or not in education, who have Additional Support Needs, are in Out of Authority placements or care settings, as well as those attending non-Local Authority Schools.

Should an employment permit be refused by the Council in terms of the Byelaws, it would be open to the applicant to submit a fresh permit application which does meet the requirements of the Byelaws.

The Aberdeen City Council Byelaws on the Employment of Children 2001 require to be replaced by new Byelaws. The proposed Byelaws are based on guidance given by the Scottish Government and are in exercise of the powers conferred on the Council by the Children and Young Persons (Scotland) Act 1937.

Both Police Scotland and the Procurator Fiscal have given their written approval to the proposed Byelaws.

The proposed Byelaws will not come into force until they are confirmed by the Scottish Ministers in terms of section 202 of the Local Government (Scotland) Act 1973.

## **6. IMPACT**

Corporate – As part of the GIRFEC (Getting It Right for Every Child) agenda there is the need for young people in this city to be safe. This is paramount when they are in the workplace and the Byelaws will provide the framework for safe and responsible employment of our children.

Public – As above, safety of children is essential. The public should be aware of the responsibility of employers to look after and support children who are engaged in employment. The introduction of new Byelaws will raise the profile of young workers and may stimulate more employment opportunities.

## **7. MANAGEMENT OF RISK**

Aberdeen City Council may be in breach of its statutory duties if Byelaws are not in place.

## **8. BACKGROUND PAPERS**

Children and Young Persons (Scotland) Act 1937  
Aberdeen City Council Byelaws on the Employment of Children 2001

## **9. REPORT AUTHOR DETAILS**

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Appendix – Proposed Byelaw