The regulation of child employment and options for reform

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EXECUTIVE SUMMARY

The purpose of this research was:
 (a) to investigate the effectiveness of the current regulation of child employment in England,
(b) to identify key problems with the current registration system, and
(c) to obtain views on possible types of reform.

Methodology

Preliminary stages involved:

(i) review of literature including previous relevant research (see Chapter 3);

(ii) re-analysis of data obtained in a national survey of Scotland (see Chapter 4);

(iii) interviews with stakeholders including local authorities, employers and trade unions (see Chapter 5).

Main data collection targeted three groups: local authorities, working school students and employers.

Local authorities: two methods were employed. First, a survey aimed at covering around one third of those local authorities responsible for child employment regulation (see Chapter 6). Of the 65 authorities approached, 51 agreed to participate. These came from different regions of the country and included shires, unitary authorities, metropolitan districts and London boroughs. Secondly, in-depth interviews were carried out with eleven officials in 5 authorities (see Chapter 7).

School students' views were obtained through a questionnaire (n=809) followed by focus groups (see Chapter 8). Twenty students participated in the focus groups.

Employers were surveyed by telephone interviews (see Chapter 9). Of the 57 approached, 25 agreed to participate. These included employers in the three main areas in which children work: delivery, retail and hotel and catering.

Findings

The main findings were as follows:

The Current Registration System (see especially Chapters 6 and 7)

According to those who are involved in administering and participating in the current registration system it operates smoothly in most cases, but has two major weaknesses. First, substantial numbers of employers do not report employing children of school age and only a minority of working children obtain permits. Secondly, once a work permit is issued, there are few attempts made to check whether the conditions laid down for the permit are being adhered to. Only 63% of authorities reported that they had a system for checking school students' compliance with work regulations. Furthermore, only a minority reported having revoked or

amended work permits after initially granting them. These facts suggest that the system does not achieve the aim of protecting working children, since it does not in practice cover all children who work and the actual welfare of the minority of working children who do come within the system is not subjected to scrutiny. This is in line with the finding that 61% of the local authority spokespersons surveyed said that the system does not effectively protect children at work.

Explanations for failings in the current system

Failings in the current system were explained by reference to a number of barriers to effectiveness. Four main barriers were identified:

1. <u>Current legislation and byelaws</u>: many interviewees when discussing the current registration system commented negatively on the underlying 'rules' and legislation.

The central concerns to emerge are the:
*   multiplicity of legislation which covers child employment
*   existence of local authority byelaws and their variability
*   failure of legislation to reflect contemporary society and the twenty-first century childhood experience
*   specific details of the underlying legislation and byelaws stop employers from engaging with the current registration system

2. <u>Awareness</u>: there is limited awareness of the issues surrounding child employment, such as health and safety and the need to avoid negatively affecting the child worker's schooling, and the legislation aimed at protecting child workers. This lack of awareness applies to:
*   councils, some of which appear to have no policy on child employment
*   employers, some of whom appear ignorant of the law and others who appear to consider regulation an unnecessary imposition. Only 14 of the 25 employers interviewed indicated that all of their child employees had work permits
*   schools, some of which do not take steps to inform their students about child employment
*   children and their parents

3. <u>Resources and prioritisation</u>: resources available to local authorities are limited and those resources are not necessarily always used to best advantage, for example by cooperation with other agencies and by the application of IT. Furthermore responsibility for child employment is often combined with other duties, which may be given priority.

4. <u>Monitoring and enforcement</u>: it is proposed that in order to improve compliance authorities need to be more proactive. For example, according to participants spending more time visiting and checking on actual and potential employment situations would improve compliance. This would have resource implications. Other interviewees were of the view that those charged with responsibility for child employment registration should have stronger powers to inspect employment premises. Concern over monitoring and enforcement is linked to the desire to be able to monitor the registration system effectively. This in part involves ensuring that

relevant parties know about the registration system and are aware that there is a possibility that non-compliance will be detected. At present this is not the case.

Four options for reform were explored:

An enhanced version of the current system. This was favoured by many local authority respondents, but some employers feared it would lead to increased 'red tape' (see Chapters 6 and 9). Of local authority respondents, 75% indicated that they thought this would provide greater protection for children.

A national regulatory framework, doing away with local byelaws. This was favoured particularly as a step towards increased awareness, since local byelaw variations may be confusing. However, it would require legislation and would not in itself tackle resource problems. Of local authority respondents, 91% indicated that they thought this would provide greater protection for children.

Employer registration, whereby an employer obtains a right to employ children as opposed to an individual child obtaining a right to work. This was seen as potentially increasing awareness, particularly with respect to health and safety. However, doubts were expressed about the cost of such a system. Furthermore, it would not deal with cases where an individual child was unsuited to employment because of health or educational problems. Of local authority respondents, 61% indicated that they thought that this would not provide greater protection for children.

Extension of adult employment rights to children. This did not receive a great deal of support. It was thought that it might discourage employers from offering children the opportunity to work. It was also suggested that it might lead employers to overlook the special protection younger workers require. However, it should be noted that child workers are unhappy that, unlike adults, they are not protected by a minimum wage (see Chapter 8). Of local authority respondents, 59% indicated that they thought this would provide greater protection for children.

No single solution to the current problems seems available. However, the possibility of improvements arising from the selective use of elements from the different approaches was noted.

Recommendations

Based on the evidence from this project we recommend that:

Regulation and legislation

Any registration system must be built upon a base of rules and regulations that are credible and command the respect of those who must apply and comply with them. At present it is clear that the child employment regulations do not achieve this. We recommend that:

1. The legislation dealing with child employment be reviewed, simplified and updated. This is a pre-requisite for any other change in this area.

2. The current byelaw system be replaced with a national regulatory framework. Adopting this system will reduce confusion and address concerns over the credibility of the regulatory framework.

Implementing recommendations 1 and 2, in and of themselves, has the potential to improve compliance with any child employment registration system.

Registration system

The findings from this study show that there is agreement across a range of participants on the principles underpinning any registration system. These are that it should:

- safeguard the individual child
- not reduce employment opportunities

Four alternative approaches were considered (see above) and Recommendation 2 adopts the approach that had the greatest degree of consensus.

Employer registration has been proposed as an alternative to the current registration system by previous reports, for example Better Regulation Task Force. Based on the views of our participants there is no consensus that this would be any more effective than the current registration system. We recommend that:

3. There needs to be empirical evidence from which to evaluate the impact of employer registration. The report identifies two employer based systems currently in use. These should be monitored ad evaluated to assess the extent to which an employer registration system impacts upon levels of compliance prior to any decision to adopt this approach.

In the short to medium term we recommend that:

4. The barriers to the efficacy of the current registration system be tackled. Recommendation 1 and 2 address two key barriers and could impact positively on levels of compliance. This should be monitored and the current project provides base information for this monitoring.

Addressing the remaining barriers of resources and prioritisation, and monitoring and enforcement will be challenging. Tackling these barriers will be dependent on resources. We would recommend that:

5. There is a need to agree the minimum data to be in the information base that local authorities should be able to provide on child employment, for example work permits issued. This would help local authorities set priorities in this area and identify resource needs.

The literature and evidence base collated within this project indicates that the issue of child employment regulation has been a low priority. There needs to be a clearer recognition of levels of child employment in the UK and a clarification of societal attitudes toward this. We recommend that:

6. Central and local government need to demonstrate a commitment to the regulation of child employment if they wish employers to take this issue seriously. Recommendations 1 and 2 provide the opportunity to open a debate in this area and to establish a framework for considering child employment in contemporary society. This debate should consider issues such as a national minimum wage, the role of schools and the work-education relationship.

Chapter 1: Introduction and Background

The term 'child employment' refers to the employment of children under the school leaving age. In the early 1990s researchers argued that their evidence showed that significant numbers of young people were combining part-time employment with full-time education before they reached the end of compulsory education (Pond & Searle, 1991; Lavalette, Hobbs & McKechnie, 1991). Subsequently researchers went on to establish the extent of child employment within the UK (see Hobbs & McKechnie, 1997 for an overview). Most of the research was based on localised studies and some questioned the generalisability of the findings.

Two national studies addressed this question. Hibbett & Beatson's (1995) study, while representative of the UK, was limited in its scope but supported the findings of the localised studies. More recently the first large scale, in-depth national study of this form of employment was carried out in Scotland (Howieson, McKechnie & Semple, 2006). This representative sample study showed that 48% of Year 10 and 57% of Year 11[1] school students were, or had been, employed. This study considered a range of additional issues including local authority policy and practice on child employment, young people's views on such employment, employers' practices and the value of such employment experience. Scotland is not unique within the UK with respect to child employment. Numerous studies have shown comparable employment levels in England (see TUC, 2001; Penrose Brown & Blandford, 2002; McKechnie, Anderson & Hobbs, 2007; McKechnie, Hobbs, Anderson & Simpson, 2005).

One of the major issues arising from this research has been the efficacy of child employment legislation[2]. The primary legislation on child employment is to be found in the 1933 Children and Young Persons Act for England and Wales, in Scotland the 1937 Act. This legislation, while acknowledging that it is acceptable for school children to combine part-time work with their education, recognises that this group of employees needs to be protected.

Protection currently involves setting of minimum ages for employment, restricting earliest start and latest finish times, setting maximum hours of employment and proscribing certain forms of employment (see DCSF, 2009). Local authorities have a key role to play in implementing this legislation. Central government has provided model byelaws but it is clear that there is variability in local authority byelaws (TUC, 2002; TUC, 2004; McKechnie, Hobbs, Anderson, Howieson & Semple, 2007).

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[1] Throughout the report we refer to school students by their Year group e.g. Year 10 and Year 11. Year 10 students are typically in the age range 14-15 and Year 11 typically 15-16 years of age.

[2] Other key debates include the potential relationship between part-time employment and educational attainment (see McKechnie & Hobbs, 2001, for an overview) and the potential educational value of part-time employment for school students (see McKechnie, Hobbs, Simpson, Anderson, Howieson & Semple, 2010)

Many local authorities adopt a work permit system to register young employees and ensure compliance with the legislation. However, this does not mean that all child employees have the required permit. In the absence of any national studies in England we must rely on local evidence to address the extent to which young workers have permits. One recent study in the north of England found that approximately 15% of young workers had work permits (McKechnie et al, 2005; 2007). A recent Child Employment Week held in May 2008 across 25 areas of England found significant numbers of children working illegally (NNCEE, 2011). A national study of a representative sample of school students in Scotland, Howieson et al (2006), pointed to very low levels of work permits, in this case only 14% of current workers had the necessary work permit.

It is thus not in doubt that there is a significant gap between the number of young people working and work permit levels across the UK. An interdepartmental governmental review acknowledged this problem (Department of Health and Department of Trade and Industry, 1999) and the Better Regulation Task Force's (BRTF) (2004) review of child employment legislation reinforced this view. The BRTF proposed that an alternative registration system, namely employer registration, should be introduced. Others have proposed a range of alternative solutions to address the failings of the present system (Hamilton & Watt, 2004; McKechnie & Hobbs, 2000; Whitney, 1999). However, it has also been suggested that, before considering changing the registration system, there is a need to ensure that there is evidence that any alternative system will be more effective (McKechnie & Hobbs, 2000). For example, the present failures may be a result of current practices rather than the system per se. One recent study has demonstrated that compliance with the work permit system could be significantly improved via an intervention strategy (McKechnie, Hobbs & Anderson, 2009).

The UK is not unique in facing challenges surrounding child employment. In Australia and New Zealand there is an ongoing debate about the most appropriate legislative structure to protect child workers (Mourell & Allan, 2005). Closer to home, the Isle of Man in 2005 passed legislation to introduce an employer registration system.

Research Objectives

The project had three specific aims, these were to:

Assess the effectiveness of current arrangements for registration.

In the context of the current project it was accepted that the existing evidence base demonstrates that there was a significant gap between work permit levels and the number of child employees. Therefore 'effectiveness' in the context of the present study was explored in terms of the:

- policy and practices adopted by local authorities
- potential link between registration, job type and compliance with the legislation
- perceptions of key stakeholders regarding the current registration system

Identify the key problems with the present registration system.
Drawing on a range of evidence sources a number of issues were addressed including:

- the barriers to effective registration
- the extent of local authority variations in policy and practice
- policy and procedures for dealing with the dynamic aspect of employment (such as children changing jobs)

Evaluate options for reform

A number of alternative registration systems have been proposed (e.g. employer registration). The project considered the perceived advantages and disadvantages of these approaches from the perspective of key stakeholders.

Chapter 2: Research Design and Methods

The research design for the project consisted of a number of discrete but inter-related sections. The research drew primarily, but not exclusively, on qualitative data collection techniques. Sampling aimed to capture the range of views of participants within each part of the study. There were six distinct, but inter-related, elements:

- Literature review and secondary data analysis
- Stakeholder interviews
- Focus groups – school students
- Local authority survey
- Local authority in-depth study
- Employer interviews

Literature review and secondary data analysis

There are three aspects to this part of the study.

- To review the existing literature to examine the current child employment registration system.

- To consider whether there is evidence to support the assumption that the issuing of a work permit ensures the legality of employment. This was achieved through the secondary data analysis of the national study we carried out in Scotland to investigate this issue and explore the relationship between holding a work permit and other job characteristics (for example types of jobs with higher level of permits; hours of work and having/not having a permit).

- To review alternative registration systems.

Stakeholder Interviews

Over the years a number of organisations have expressed interest in this area such as TUC, CBI, Federation of Small Businesses, National Federation of Retail Newsagents, National Network of Child Employment and Entertainment Officers, non-governmental organisations (for example NSPCC, Save the Children), local authority representative organisations (Local Government Association (LGA), Convention of Scottish Local Authorities (COSLA)) and the Health and Safety Executive.

We invited nine organisations to participate in this part of the project. All participating organisations and individual interviewees were guaranteed anonymity. Six stakeholder organisations agreed to participate, one withdrew prior to interview.

The aim of these semi-structured interviews was to establish stakeholder views on the current registration system; its strengths and weaknesses; potential solutions to identified problems; their views on alternative registration systems and the rationale underpinning these alternatives.

Focus Groups – school students

A key group of stakeholders in this area are the young people that the regulatory system applies to. A focus group methodology was used to gather their views. For practical reasons participants were accessed via the school system rather than through their employers.

Focus group participants were drawn from two schools and comprised students from Year 9 to 11. An initial screening survey was completed by students in each school (n= 809). The survey provided information on employment status and was used to identify potential focus group members. A total of 368 (45.5%) students had experience of paid employment and a sample of students from this group was invited to participate in the focus groups. A total of 20 students agreed to participate and they were divided into three focus groups.

The focus groups explored a range of employment issues including the views of young people on part-time employment, its regulation, the existing registration system and ideas for improving engagement with any registration system.

Local Authority Survey

One third of local authorities in England were surveyed (n=51). The sample was selected to reflect variations in the type of authority, geographical location and socioeconomic indicators. A number of authorities declined to participate (n= 5) and a number failed to respond (n=9). In total 65 authorities were contacted to provide the sample.

The table below summarises the type of authority and location.

Table 2.1: Type of authority and location (n=51)

	Shire	Unitary	Metropolitan	London Borough
London				8
South East	5	3		
Yorkshire & Humberside		2	4	
North West	1	3	4	
North East		3	2	
East	3	2		
East Midlands	2	1		
West Midlands		1	3	
South West	1	3		
Total (n=51)	**12**	**18**	**13**	**8**

Participating local authorities were asked to identify appropriate staff to complete the survey. The survey explored a range of issues including: numbers currently registered to work, the monitoring process, how changes in employment status are handled, resources assigned to registration system and staffing levels, initiatives to publicise regulations and information on prosecutions.

Respondents were also asked to identify advantages and disadvantages of the current registration system and alternative registration approaches.

Local Authority In-Depth Study

The in-depth case studies provided the opportunity to look in more detail at the implementation of policy and practice within a small number of authorities. The local authority survey responses were used to identify potential participants for this stage of the project. Authorities were contacted and invited to participate and to identify interviewees who had responsibility for child employment in their authority. We indicated that we wished to explore their authority's policy, practice and resources related to this area. We asked authorities to nominate up to three interviewees to cover these areas.

Five local authorities participated in this stage of the project, one fewer than had been planned. Due to time constraints on the project it was not possible to find a replacement for the sixth authority. Authorities were chosen to reflect variations in type of authority, location and current registration practices.

Semi-structured interview schedules were used. All interviews were transcribed and thematic analysis was used to explore the data. The number of interviewees put forward by authorities varied and across all five authorities a total of eleven staff were interviewed.

Table 2.2 summarises the participating authorities. All authorities and interviewees were guaranteed confidentiality.

Table 2.2: Local Authority sample for in-depth case studies.

Local Authority	Location	Size	Rural/Non-Rural	Work permit level*
A	South	Medium	Non-Rural	Very Low
B	West Midlands	Medium	Non-Rural	Medium
C	North West	Large	Rural	Medium
D	North East	Small	Non-Rural	Low
E	East	Large	Rural	Very High

*reference to work permit levels is relative to number issued, see chapter 6.

Employers

Research into child employment tends to focus on the employees and few studies have included the employers' perspective. The dominant employment sectors for this group of workers are delivery, catering and retail (Hobbs & McKechnie, 1997; Howieson et al 2006). Employers from these sectors were included in the sample to capture any potential sector variation in employers' views.

Previous researchers have noted that engaging employers in research is challenging. This is in part due to the nature of the businesses they run and the difficulty in finding the time to participate. To tackle these issues the present study opted to use telephone interviews employing a semi-structured interview schedule.

The interviews covered a range of issues including the extent of their employment of child workers, views on the current registration system, advantages and disadvantages of registration, consideration of alternative systems and their implications for their business and their employment of young people.

A total of 57 employers were contacted and 25 agreed to participate. The representation across the employment sectors was:

- Catering – 9
- Delivery – 9
- Retail – 6
- Hairdressing – 1

A number of the employers who declined to participate were in the retail sector, hence the lower number of retail employers in this sample. Potential employers were identified from two sources. Some were identified by Child Employment and Entertainment Officers from three areas in England. The second source was existing employer information gained from research in one part of England. All employers were telephoned to explain the research and invited to participate.

Alternative approaches to registration

A central focus of this project was to explore the options for reform of the current registration system. Based on the literature review four alternative approaches were identified. These are detailed below. These approaches were used in the semi-structured interviews and local authority surveys to explore options for reform.

A: Enhanced version of the current regulatory framework.
In this case part-time work would continue to be regulated by local authorities. This would involve the continuation of a work permit registration system. A more pro-active approach would be required from local authorities and this would need to be supported by the necessary resources.

B: Adopt a national regulatory framework.
In this case the flexibility afforded to local authorities to introduce their own byelaws would be removed. Instead central government would specify the regulatory framework, removing any variation or confusion created by regional variation in byelaws. Local authorities would still maintain and administer the work permit system within this framework set by central government.

C: Adopt an employer registration system.
For this option work permit registration would be replaced by an employer registration system. Employers would inform local authorities if they had any child employees. The local authority would then have the responsibility of ensuring that such employment complied with the legislation.

D: Extension of the rights of adult workers to school students working while still within compulsory education.
In this option children would be issued with a national insurance number at the minimum age for work. There would be an explicit extension of adult workers' rights to cover young people who are working while at school in the compulsory school stage. For example the National Minimum Wage would be extended downward to cover this group of employees.

Structure of report

In the following chapters we present the material from each of the distinct elements of the project. We treat these as separate information sources and provide details, where appropriate, on the methodology and findings and a summary of the information from these discrete research elements. This approach is in part adopted because of the reliance upon qualitative methods. By presenting the data from each individual source the similarities and differences within and between the evidence sources will become apparent. In Chapter 10 we present an overview of the data, highlighting themes and issues that are supported by a number of the evidence sources.

Terminology

The focus of this project is the current child employment registration system and the options for reform. During the data collecting stages of the project it was evident that many respondents when discussing 'registration' were making reference to the underlying legislation or byelaw regulations, rather than the registration system itself. Participants use a range of terms when referring to the legislation/regulations and throughout the document we attempt to draw attention to this distinction.

Chapter 3: Literature Review

Evidence of child employment levels in Britain

Although it is difficult to be precise about the extent of child employment in Britain, the evidence available suggests that it is common for children of school age to have jobs. In the 1990s there were debates about how common it is for British children to work. An early estimate by Pond and Searle (1991) that almost two million school aged children had experience of paid employment was challenged by some commentators. Although some evidence was being collected, there were various problems in interpreting it. Some studies were small scale and local. Some of the questions put to children to find out if they had a job were of limited value. For example, to ask "Do you have a regular job during term time?" requires the respondent to decide what "regular" means. Furthermore, it does not elicit any information about holiday jobs. A systematic survey by Hibbett and Beatson (1995) did not explore work by children under the age of 13, although other research indicated that some younger children do have jobs. Their study also failed to elicit information of previous jobs undertaken by respondents not currently working.

An attempt to synthesise and interpret the available data by Hobbs and McKechnie (1997) argued that since children may move in and out of employment, it is important to distinguish between whether a child has a current job when surveyed and whether that child has ever had a job. They concluded that the best evidence available suggested that around two thirds of children will have had some experience of work by the time they reach the minimum school leaving age. They also concluded that a good deal of the work undertaken by children was illegal, not only because the great majority had failed to obtain a work permit, but because they worked from an earlier age, or in types of job or for hours which legislation proscribes. It may also be noted the evidence collected clearly indicated that employment was not confined to what had sometimes been regarded as traditional 'children's jobs' such as milk and newspaper delivery. The variety of jobs emerging was broad, but mainly to be found in the retail, hotel and catering sectors.

Even although the evidence collected was fragmentary, such findings have generally been accepted by those concerned with the issue. Thus in the following decade (2000s) little debate took place and only a limited amount of additional evidence has become available. One obvious question to ask would be whether there have been any significant changes over time in the extent of child employment. Balding (2008) reports results obtained over two decades from asking children about 'regular jobs in term time'. There was a slight decrease amongst 14-15 year olds and a slight increase amongst 11-12 year olds. However, although his samples were large, they were not systematic. Furthermore, these studies provide no information on jobs undertaken during holidays, which are covered by legislation just as much as jobs during the school term.

A systematic study conducted in Scotland based on a ten per cent sample of all school students S3/Y10 –S6/Y13 (Howieson, McKechnie and Semple, 2006) found that 34 per cent of S4/Y11 students (around 15 years of age) were currently working, and 57 per cent reported having had a job at some time. This finding may be compared with the 35 and 66 per cent respectively obtained by Hobbs and

McKechnie (1997) in the previous decade. If there is a decline it is a small one. Although these figures are probably the best available for Britain today they do refer only to Scotland. However, it seems reasonable to extrapolate them to England, since Hobbs and McKechnie's (1997) review of the evidence suggested that employment patterns in England and Scotland were very similar.

Other studies also suggest that employment levels of school-aged children in the early part of this century remain similar to those found in the last decade of the twentieth century. The TUC's *Class struggles* (2001) reports a survey by MORI carried out that year, involving 2,475 children aged between 11 and16 in England and Wales. Although the presentation of the results does not allow us to clearly establish how many children at any given age level are working, they do confirm that employment is common and starts rather earlier in life than is allowed for in the legislation. In the TUC report around a quarter of those aged under 13 years had experience of work. Penrose Brown and Blandford (2002) conducted a survey of 3,700 school students in Years 7 to 11 in one unnamed English town. In Years 9 to 11 they found that 46 per cent of students were currently employed and a further 22 per cent had worked in the past. They concluded that these findings were similar to the estimates made by Hobbs and McKechnie (1997). The National Network for Child Employment and Entertainment (NNCEE) periodically carries out checks on businesses which may be employing school-aged children and reports its findings on its website. Although the Network's main interest is in establishing the extent of illegal employment, the substantial number of cases they identify implies that work generally is common.

There is little evidence available as to how child employment levels vary with differing economic climates. It is possible that as adult unemployment rises, opportunities for children to work will also decline. However, it is also possible that in certain situations employers will turn to cheaper child labour in the face of economic hardship. Such issues could only be resolved by systematic data gathering over time. Lacking that, the most cautious approach must be to regard child employment levels in England today as probably roughly equivalent to those emerging in the 1990s. In other words, it is still reasonable to assume that a majority of school-aged children have some experience of paid employment.

Efficacy of the work permit system

The regulation of child employment in Britain takes a form which was laid down in legislation in the 1930s. The key features are as follows:

- The legislation allows for the type of work and the hours of work undertaken by children of school age to be specified in general terms by central government with local variations to be specified in local authority byelaws.

- The law requires that a child be given permission to work and that this be administered by local authorities. Almost invariably local authorities seek to fulfill this obligation by having a system of work permits. In addition, employers have an obligation to inform the local authority when a child of school age enters employment.

- The work permit system is intended to ensure that a child does not enter employment which is potentially harmful to that individual or which is generally specified as inappropriate in laws and byelaws.

- Once employed, a child is notionally protected by the fact that the employer may be prosecuted for breach of the laws and byelaws.

It may be noted that in addition to the law specifically relating to child employment, the young worker is also protected by health and safety legislation which applies to all workers.

In the previous section of the report we noted that a considerable body of research has focused on establishing the nature and extent of child employment within Britain. Many of these studies also dealt with policy and legislation issues. For our present purposes we consider these debates under two headings, child employment legislation and effectiveness of the registration system.

(i) Child employment legislation

A significant number of researchers in this area have commented on the current legislative framework (for example see Cornwell et al, 1999; Whitney, 1999; McKechnie and Hobbs, 1997; Hamilton and Watt, 2004). The majority of such commentaries raise concerns about the principles underpinning this legislation, its efficacy and its suitability for the contemporary experience of childhood .
Criticism of its efficacy has been supported by a number of studies which explored the implementation of policy in this area. Hamilton and Watt (2004) in their review of current British legislation argue that it fails to meet the standards required by international law. The solution that these authors propose is that the distinction should be removed between child and adult workers by extending to child employees the same work related benefits that our society provides for adults.

Another strand of research in this area has explored the nature of the current legislation and the application of policy at the local authority level. The Better Regulation Task Force (BRTF) (2004) drew attention to the fact that domestic legislation and codes of practice that impact on child employment are to be found in a number of distinct and separate pieces of legislation (see Annex B of the BRTF Report, 2004). It is argued by some that this in itself complicates regulation of child employment and that a more coordinated approach to the legislation is required (TUC, 2002).

A further complication is that local authorities are charged with the implementation of the legislation in this area and have the power to create their own byelaws to regulate child employment. Recent studies of these byelaws in England have raised a number of concerns (TUC, 2002; Hamilton, 2003; TUC/NSPCC, 2004). The central issues identified in these studies include:

- concern that byelaws do not reflect changes to central legislation
- the degree of variation between local authority byelaws
- failure of byelaws to clearly distinguish between employment of 13

11

and 14 year olds
- concern over the failure to provide information for children, parents or employers.

A study of Scotland's 32 local authorities reported similar findings (McKechnie et al, 2004) suggesting that across Britain there are concerns about the present system's ability to protect child employees. It is worth noting that a number of these studies were carried out in the early part of the decade and it could be argued that the situation may have changed as a result of such research findings. The present study examines whether the situation has, in fact, changed.

(ii) Effectiveness of the registration system

A key responsibility of the local authority is that it needs to ensure that child employees are working in compliance with the legislation. At a practical level this means that there is a need to know that the hours worked are acceptable (total hours as well as start and finish times), ensure that the type of job being done is not proscribed, and that risk assessments have been carried out and so on.

The method adopted by local authorities to ensure compliance has been the work permit. Applying for a work permit allows the authority to check that the nature of the work complies with the regulatory framework and to assess the appropriateness of the job for the individual. The intention is to enable the authority to ensure that the individual child's health and education will not suffer as a result of employment. McKechnie et al (2007) note in their study that the work permit system was the norm. Only one authority did not use a permit system, indeed it indicated that in fact it had no registration system in place. Moreover, while the study found that the work permit system was the norm there was some variation in the administration of the registration system across the authorities.

Whilst the principles of this approach may sound practical the research indicates that in practice the system does not work. It is generally accepted that the majority of child employees work illegally (Hobbs and McKechnie, 1997). Studies have varied in their focus when considering the issue of illegality. For example Jolliffe et al (1995) concluded that 88% of the children in their sample were working illegally since they broke one or more regulation. Pond and Searle (1991) report that 74 per cent of their sample was working illegally, with 33 per cent working in prohibited jobs. Hobbs & McKechnie (1997) when considering illegal employment focused on those young workers who did not have a work permit. Across a range of studies they argued that few young workers had permits. In a series of studies carried out in the 1990s they report permit levels of 1 per cent in an urban Scottish study, 6 per cent in Cumbria, 7 per cent in North Tyneside and 4 per cent in Blackburn. The highest percentage of work permits was recorded in a study in Dumfries and Galloway where 29 per cent of workers reported that they had a work permit. The latter finding was found to reflect a rigorous proactive approach adopted by one school.

All previous studies of work permit levels have been based on localised studies. However, the general pattern of findings is supported by a national study. Howieson et al (2006) carried out a nationally representative study of school students' part-time employment in Scotland. They report that only 14 per cent of school students who

had worked (current and former workers) had ever had a work permit (see Chapter 4).

As part of Howieson et al's (2006) national study of part-time employment, a specific study of local authority child employment policy and practice in Scotland was undertaken and its findings reinforce the view that the system is not working. The design of the local authority study produced the unique opportunity to consider the relationship between the number of work permits issued and the number of young people who were employed within each authority (McKechnie et al, 2009). Table 1 (see Appendix 1) provides an overview of this data and highlights:

- the low number of permits issued
- the level of variability between authorities
- the gap between the estimated number of child employees
  and permit levels.

Local authorities were also asked to provide information on the types of job that young workers were doing when they had applied for a permit. Only 18 authorities were able to provide such information, suggesting that record keeping in this area is problematic. The largest numbers of permits were issued for those working in the delivery sector. We consider this issue more fully in the next section.

The project also provided the opportunity to discuss the efficacy of the system with local authority administrative staff. It was evident from these interviews that staff had a low opinion of the system. This is reflected in the responses from a number of these staff to a question about the effectiveness of the system in protecting young employees:

"Completely ineffective, the wrong people are administrating it in the wrong way, we've no knowledge of who's employed in work' The same respondent went on: 'It's not a priority at all for the education department, it's an irrelevance to us. In strategic terms or operational terms it's a nonsense."

"There is no protection, no process, no methodology, so it's ineffective"

"Not effective at all because we are not monitoring it, there is nothing to monitor because we haven't had the applications in to monitor"

"There are gaps in the system. Monitoring and child protection that's the bit that's missing. We, as a local authority, have legal responsibility to permit young people to work, our current system isn't up to scratch, but neither is it nationally."

(Howieson et al, 2006, p431)

International comparisons

Most countries in the world have laws aimed at regulating the employment of children. However, the character of children's work varies dramatically. The large numbers of children working in countries such as India and Brazil do so in conditions which compare very unfavourably with those experienced by most children working in Britain. If one hopes to illuminate the regulation of child employment in Britain by international comparison, therefore, it is most likely to be fruitful to concentrate on countries with broadly similar social and economic characteristics. These include, for example, countries in northern and western Europe and in Australasia.

A substantial number of the former are members of the European Union and are expected to conform to the standards laid down in the Directive on the Protection of Children and Young People at Work (1994). This leads to a certain similarity, at least superficially, in the national legislation in member countries. The general principle outlined in the Directive is that children under the minimum school leaving age should not be engaged in employment, but exceptionally 'light work' and cultural activities are permitted provided prior permission is sought and it is strictly regulated to ensure the child's health and safety are not put at risk. How the general principle in the Directive is interpreted in legislation at national level varies.

In Belgium, for example, the basic principle of the law is that work by children is prohibited since childhood is a time of 'awakening, education and play'. However, exceptions to the general principle are permitted. Work as part of schooling, work in a youth organisation and work in one's own home is permitted. Work is also permitted for cultural activities provided permission is sought in advance and provided strict conditions are enforced. It is easy to obtain information on how to apply for a child to have a permit to be employed as a performer or a model. However, evidence on how the law is enforced in practice does not appear to be available. Similarly, there appear to be no statistics on children working illegally. Given the extent of work undertaken by children in neighbouring countries such as Britain and Denmark, it would be remarkable if no such work were taking place in Belgium, despite the law.

Broadly speaking, with respect to northern and western European countries, it is usually possible to establish the formal position of child employment in national law, it is occasionally possible to establish the extent of child employment, but systematic assessment of the regulatory system appears to have taken place only in Britain. These countries therefore do not offer useful evidence to inform the question of the regulation of child employment in Britain.

There is a slightly greater possibility of assessing practice in Australia and New Zealand. In Australia, child employment is on a scale similar to that found in the United Kingdom (Stewart, 2008). It is largely regulated by individual states rather than federal legislation. This situation has been subject to a good deal of criticism, because controls appear to vary considerably from state to state. Following a review of the regulations in all states on behalf of the New South Wales Commission for Children and Young People, Stewart (2008) concluded that there were four basic requirements for satisfactory regulation:

- national legislation and harmonisation of state laws
- clear and simple rules and processes
- rules and processes to be consistent with general labour laws
- strategies for informing those involved of their entitlements and obligations.

These proposals mirror some of the suggestions being made based on research studies in Britain.

In the case of New Zealand, we find a particularly striking contrast to Britain and Western European countries. Although child employment seems to exist at levels similar to Western Europe, currently regulation is limited. For example, there is no formal minimum age of employment (Roth, 2008). New Zealand has not ratified ILO Convention 138 which consolidates a number of previous Conventions on child labour. Although signed up to the United Nations Convention on the Rights of the Child (1989), it entered a reservation on child work. A recent UN Committee report expressed disappointment at the slow progress on the regulation of child employment. New Zealand has a history of regulating child labour not dissimilar to Britain's. However, in the 1990s, as part of a general move to deregulate the labour market, a situation was created in which *"the few systematic ways of detecting and dealing with child labour issues were swept away"* (Roth, 2008).

That serious issues exist emerges from two of the few empirical studies of children working that have been carried out in New Zealand. These were conducted by Caritas, the Catholic Agency for Justice, Peace and Development. One dealt with working children generally (Caritas, 2003) and the other focused specifically on delivery work (Caritas, 2006). Although confined to students in Catholic schools, the researchers argue that their findings are probably representative of school students generally. This research found that almost 40 per cent of children aged between 10 and 13 years worked, the proportion rising to over 60 per cent amongst 16 year olds. Although they found evidence of work being a positive experience for many children they also found a number of causes for concern. These included:

- working after 10.00 p.m.
- working unsupervised
- access to heavy machinery, guns and alcohol
- low earnings
- lack of awareness of rights

Accordingly, the researchers concluded that firmer regulation is required in New Zealand.

Although a good deal of research has been conducted on child employment in the United States (for example Delp et al, 2002; Miller and Bush, 2004; Dal Santos and Bowling 2009), great care needs to be exerted if seeking to draw conclusions relevant to the United Kingdom. US legislation covers those under 18 years of age, whereas 'child employees' in Britain are predominantly under 16. Federal legislation allows for the operation by states of a work permit system for young workers, but only 41 states actually do so. Recent research in a state operating a work permit system has found that 44 per cent of children working do so without the requisite

permits. Although interpreted as indicating a weakness in the regulatory system, this figure compares favourably with compliance rates found in British studies. Failure to have a work permit was found to be associated with lack of awareness of child labour legislation, low-skill jobs and employment in family businesses (Dal Santos and Bowling, 2009). Workers holding a permit were found to be more likely to receive health and safety training.

Our conclusion from a trawl of sources in several countries is that many have similar problems to Britain. We have not yet found any examples which could provide a guide as to how Britain might handle its problems. However, the requirements of any regulatory system identified by Stewart (2008) resonate with comments from UK researchers.

Chapter 4: Insights from existing data on permits

Comprehensive national data on levels of work permits in England and Wales is lacking and so in this chapter we draw on the national study of school students' part-time employment in Scotland (referred to in Chapter 1) to enable us to explore the issue of work permits in some detail. The Scottish study is based on a nationally representative sample of S3/Y10 – S6/Y13 pupils (n = 18,430) and as such is unique within Britain (Howieson et al, 2006). It collected data on the extent to which children had or were currently working, whether they had, or had previously had a work permit, as well as a range of other information about their employment and their personal background. This data means that we can examine in some detail the characteristics of those with work permits and test the assumption that having a work permit means that the employment of the working pupils meets the legal requirements and offers them protection.

The analysis deals with pupils in S3/Y10 and S4/Y11, that is those still in the compulsory stage of education. We focus on those who were currently in employment at the time of the survey since it is likely that the information that these 'current workers' provide about their jobs and work permits is more reliable than that provided by former workers.

Figure 4.1 shows the percentage of current workers in S3/Y10 and S4 /Y11, who reported that they had a work permit for their present job (n=3664). Two points are evident from figure 4.1: firstly, only a small minority of pupils report that they had a work permit (14 per cent) and secondly, a third of pupils currently in a part-time job responded that they did not know if they had a work permit (33 per cent), indicating a considerable lack of awareness of this aspect of part-time employment. In addition, 11 per cent of current workers did not answer the question at all which is possibly another indication of lack of knowledge or uncertainty about the work permit system.

Figure 4.1: Work permit status (%)
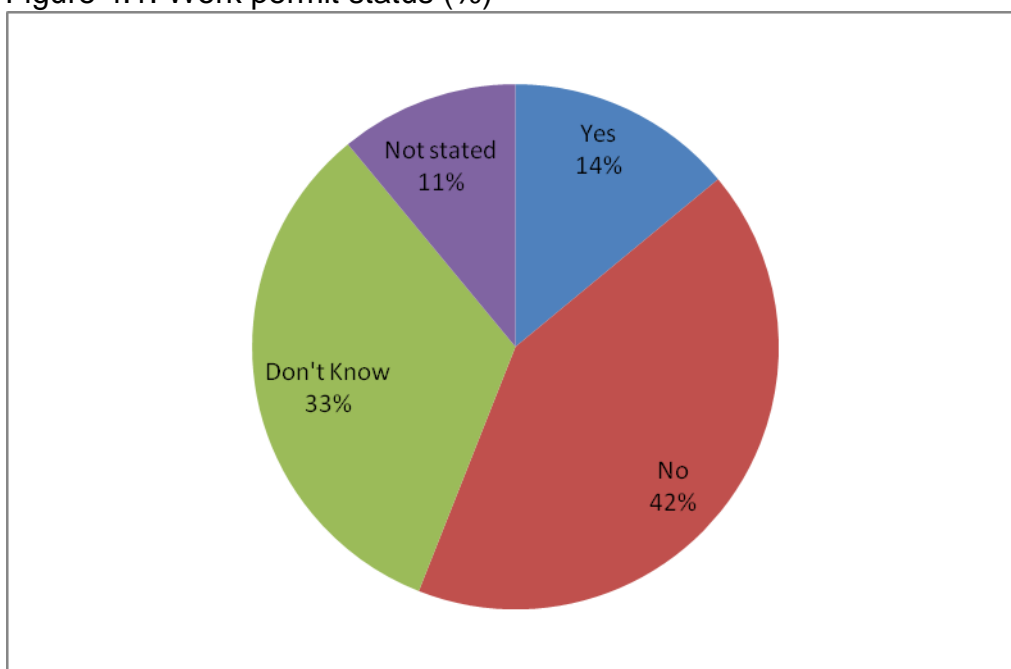
In exploring the issue of work permits further, we concentrate on those current workers who provided a definite 'yes' or 'no' response to the question whether or not they had a work permit (n= 2044). In doing so there are two specific issues that need to be considered:

(i)   are there any specific job characteristics (job type, location etc.) that are associated with higher levels of registration?

(ii)   are those student workers who have the required permit in fact working legally i.e. complying with the legislation?

### Work permits and pupil characteristics

We noted in chapter 3 that local authorities reported that the majority of permits that they issued were for delivery work. At one level, the data from the student survey replicates this finding (see Figure 4.2).

Figure 4.2: Job type and work permits (%)
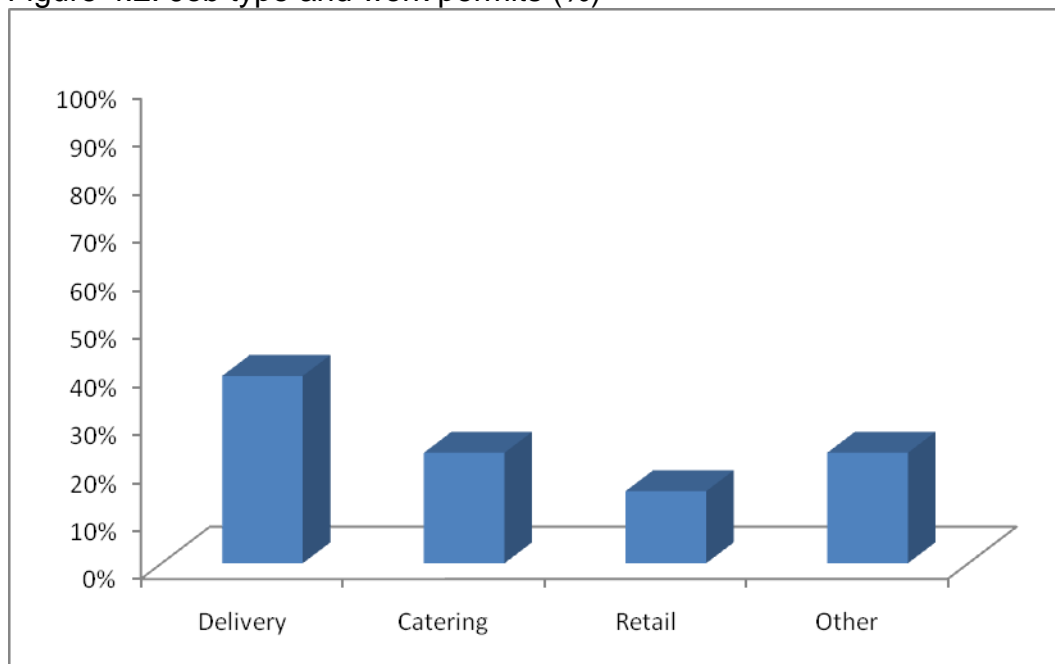
However, this does not tell the whole story: there is another side to the question of the extent of work permits within delivery work. When we take account of the number of employees working within each sector and the number of work permits held, the argument that delivery work has a better record on permits does not hold true. As we can see from Figure 4.3 the percentage of employees with permits is comparable across the four main employment sectors. It is evident that there is no clear association between job type and the likelihood of having a work permit.

Figure 4.3: Permit status and job type (%)
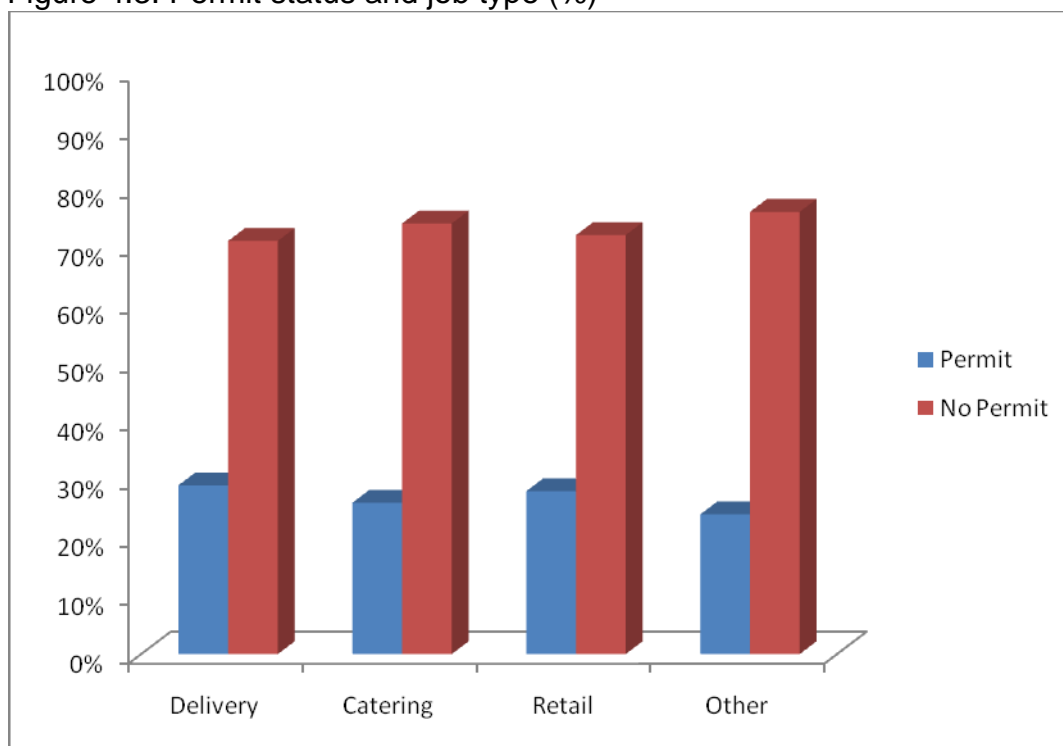
It might be argued that the way students acquire their job (e.g. responding to advert, word of mouth) may be related to their chances of having a work permit. Current workers were asked about how they had heard about their job; Figure 4.4 shows there is indeed some variation in permit levels according to this factor. A third of those who had acquired their job by responding to a job advert had a work permit: this is a higher level of permit holding than for any other means of finding out about their job. Unfortunately we are unable to explore this issue further given the level of information available but it may be that using a job advert is indicative of a more formal approach by an employer to the recruitment and employment of school pupils.

Figure 4.4: Permit status and way in which child obtained the job(%)
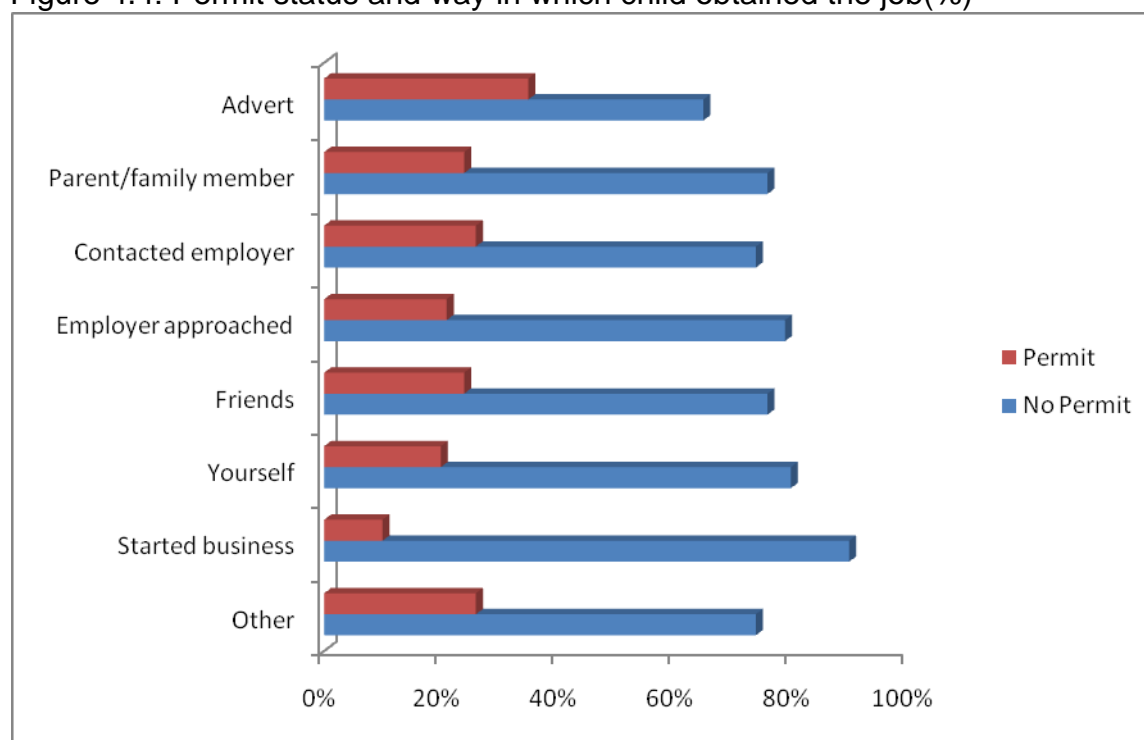
We examined whether the type of employer (e.g. parents, family member, other) and whether the employee worked for a 'major' employer or not were associated with variations in permit levels but neither factor made a difference.

Work permit and legality of employment.

Within the existing literature on child employment the primary focus has been on compliance with registration requirements and the legislative framework. This carries with it the assumption that having the relevant work permit means that a school student employed in a part-time job is working within the legislation. Such an assumption needs to be tested.

While the Scottish survey did not directly address this specific issue, it did collect some data that allows us to explore some relevant aspects. Survey respondents supplied information on a number of aspects of their employment, including the number of hours that they worked. The data were gathered during term time and the maximum number of hours that these school students are allowed to work is 12 hours per week. Figure 4.5 demonstrates that most are indeed complying with this legislation since the majority of working school students who have permits were working 10 hours or less per week. However, 13% of permit holders were working over 16 hours per week and 12% were employed for 11-15 hours per week. In this latter category a number of employees will be working in excess of 12 hours per week. It therefore cannot be assumed that having a work permit means that the individual's employment is meeting the legal benchmarks.

Figure 4.5: Permit levels and hours worked per week (%)
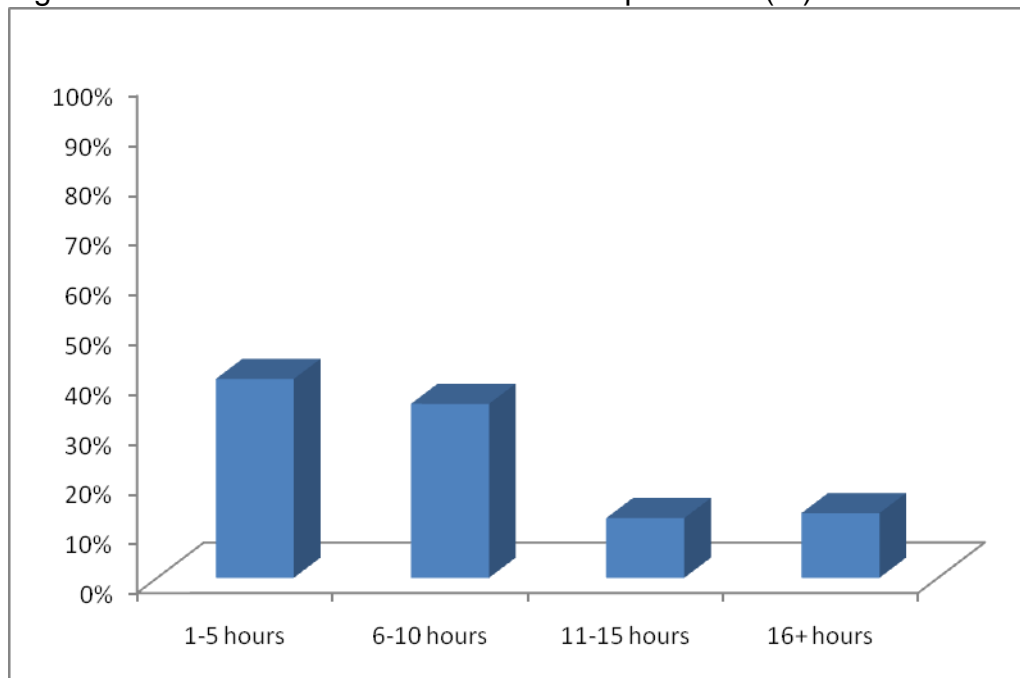
We investigated further to see whether the issue of working over the legally specified number of hours in a week was more prevalent in certain job sectors than in others. Figure 4.6 shows how students' hours of work vary according to the type of job they have. Within the delivery sector, the majority of school students are working between 1-5 hours a week (64%) and another 30% are employed between 6 and 10 thus the vast majority are working within the legal threshold. In catering, however, just under a quarter are employed for 11-15 hours (22%) while another 24% have a working week of more than 16+ hours. Just under a fifth of part-time workers in the retail sector are working for 11 hours or more (18%) while a similar proportion are employed for 16 hours or more (18%). The pattern is similar in the Miscellaneous (11-15 hours: 16%; 16+ hours: 20%).

Figure 4.6: Pupils with permits: hours of work by job type (%)
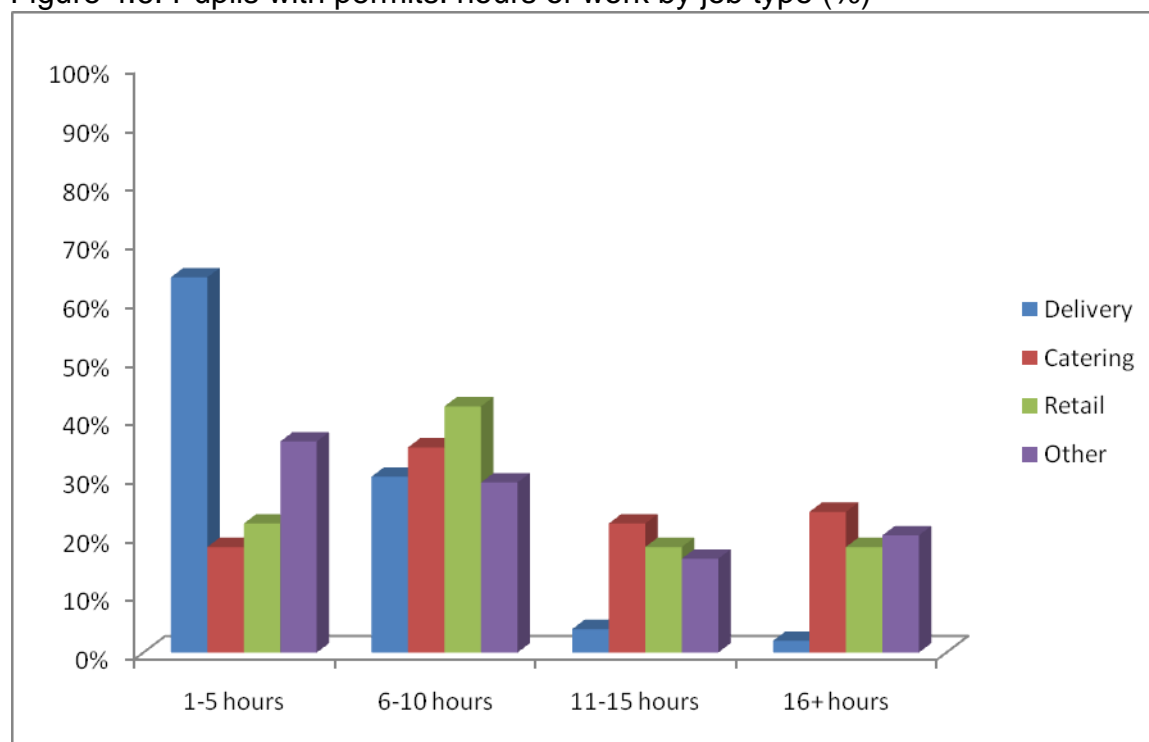
Conclusion

The national level data from Scotland sheds light on the prevalence of work permits and on the extent to which they offer some protection to school students in their part-time employment.

It is evident that only a small minority of working students have the required work permit and that some local authorities are more successful than others in promoting the work permit system. Work permit levels were similar across the main job sectors in which students are employed but the way in which young people gain their part-time job appears to have an impact on whether or not they have a work permit. As well as low levels of permit holding, the data also indicates substantial ignorance or confusion among school students about the work permit system.

An important issue that the data reveals is that having a work permit does not mean that the holder's employment is in compliance with the relevant legislation and that the young person concerned is receiving the expected protection. This is evident from the considerable minority of students with permits who are working longer hours than those specified in the legislation. They are least likely to work longer than the permitted hours if they are employed in the delivery sector and most likely if their job is in catering.

There are a number of potential explanations for this. It could be argued that the lack of monitoring of the work permit system means that changes in employment are not captured. Alternatively, it may be that certain forms of employment are more likely to involve changes in hours worked (e.g. catering). Such changes then become

accepted practice and employers do not request changes to be made to the original work permit because they may not view it as important, they view the process as overly bureaucratic or that they are aware that the changes would not be approved. Further research would be needed to assess which of these explanations is most accurate.

Overall, the data indicate that the work permit system is not working, either in terms of the extent of coverage of working school students or in conferring the expected protection on those who do hold the required permit.

Chapter 5: Stakeholders' views on registration

Introduction

Part of the preparatory work for the main data collecting stages in this project included discussions with stakeholders. Over the years a number of organisations have been interested in the issue of child employment. In the 1990s the Low Pay Unit and the Scottish Low Pay Unit supported research (Pond and Searle, 1991; Lavalette, Hobbs and McKechnie, 1991). Other organisations such as Save the Children, NSPCC and the TUC have also been involved in promoting research in this area (TUC 2001, 2004; McKechnie, Anderson and Hobbs, 2007).

These organisations have tended to focus on raising concerns relating to policy and practice surrounding child employment. However, a number of other bodies have an interest in this area as they represent employers (e.g. CBI, Federation of Small Businesses (FSB) and National Federation of Retail Newsagents (NFRN)) or represent those who are responsible for implementing policy in this area (e.g. Local Government Association (LGA), Convention of Scottish Local Authorities (COSLA), National Network of Child Employment and Entertainment (NNCEE)).

There are a number of stakeholders that have an interest in any discussion of change in this area. By interviewing representatives of a range of stakeholders we were able to ensure that the main data gathering aspects of the study captured the concerns and issues of these stakeholders.

Methodology

A number of potential stakeholders were identified within the UK and nine were invited to contribute to this stage of the project. In total six stakeholders agreed to participate, however, one withdrew prior to interview.

Semi-structured interviews were carried out with representatives of those organisations which agreed to participate. All interviewees and organisations were guaranteed confidentiality. Interviews were transcribed and a thematic analysis carried out.

Findings

For this report we focus on four areas discussed with the interviewees:
- the primary goal of any registration system
- explanations for the ineffectiveness of the current registration system
- consideration of alternative approaches
- potential impact of any change to the regulatory framework

The primary goal of any registration system

There was a consensus across all of the interviews that any child employment registration system had as its primary goal safety.

> *".. to ensure that kids are properly protected, safeguarded"*

When asked what child employees were being protected from, a number of interviewees indicated that they needed protection from abuse, exploitation, excessive hours and to ensure education was protected. There was an acknowledgement by some interviewees that for this group of employees work is secondary to their school education:

> *"…priority for those under 16 years of age should be school, need to ensure that maximum hours regulations are enforced effectively…stop negative effect on school"*

However, some interviewees wished to acknowledge that work could be an enabling experience for young people. Some interviewees drew attention to the argument that employment experience could be viewed as learning in and of itself. One interviewee argued that the focus should be on emphasising the potential learning from work. They drew attention to the Scottish Government's *Determined to Succeed* initiative, where there was consideration of how part-time employment could be utilised within the education system. In some cases interviewees indicated that any registration system needed to ensure that these early experiences of the world of work were positive. As one interviewee stated:

> *" ..workplace experience is valuable but needs to be balanced …regulations help with this balance…"*

The majority of interviewees emphasised the role of registration in protecting the child employee. However, one offered an alternative emphasis. In their view the primary goal of any registration system was to distinguish this group of employees from adult employees. They argued that registration reinforces for employers that they are dealing with a different group of employees. Any registration system which removes the boundaries between child and adult employees runs the risk, in this interviewee's view, of obscuring fundamental differences between young and old employees.

Explanations for the ineffectiveness of the current registration system.

When considering the reasons for non-compliance with the current regulatory system interviewees agreed that a primary problem was that of awareness.

> *"….complete and utter non-knowledge of the issue….. some employers wouldn't have a clue about regulations"*

It was also noted that lack of awareness was not simply a problem for employers.

> *"…I don't think I'm unfair in saying that if you take the population as a general figure 70-80% of these people are completely and utterly unaware of this and that includes other professional workers, social workers, school teachers etc. etc. ……. people are unaware of it."*

Another interviewee argued that society tended to perceive this type of employment

experience as a 'good thing'. There is then a failure to go beyond this and think critically about the issues surrounding the employment of this age group. For some, while acknowledging that awareness was an issue, there was a realisation that tackling this issue is not straightforward. It was noted that even when awareness has been raised amongst employers this does not guarantee compliance. For example personnel changes within a business can result in the information on child employment being lost when an individual moves on. The failure of many businesses to include this information in training manuals meant that awareness raising could be never ending. The low level of compliance with the current system was also ascribed to the type of employers that recruited this group of young employees. Some interviewees were of the view that small scale businesses are less likely to have a comprehensive understanding of this and other legislation related to running a small business:

> *"…types of employers involved generally have low levels of awareness of employment legislation in general…"*

In some cases it was felt that employers were also discouraged by the perceived burden of the current system or by the process itself. For at least one interviewee this problem was compounded by the lack of enforcement:

> *"… other side is enforcement, no point having regulations if not enforced and let people know .. .. when you have enforced them…"*

Two other themes emerged from discussions about the effectiveness of the current system, local authority priorities and the current legislation. With respect to the former, interviewees raised the issue of where local authorities locate responsibility for child employment within their authority. The profile of the issue and its management were of concern:

> *"…..not given priority as an important part of what we do within our children's services"*

For another interviewee the issue at the local level is that pragmatic decisions have to be made. The issue of child employment is not on local authorities agenda:

> *"...if there are resource priorities would you focus on the one that you don't get penalised on, even if you were caught, or concentrate on other areas?"*

The same respondent went on to argue that in the context of local authorities there was a more fundamental issue to be addressed.

> *"..still the 'so what?' question here… if failings in the system are not leading to bad outcomes is it such a bad thing that of all of the bureaucratic systems that we have in place this is the one that gets neglected…if we can't answer the 'so what?' question then you'll struggle to make it a political priority…"*

Others felt that the local authorities needed to be more proactive. There was a need for authorities to reach out to employers to provide clear and unambiguous information. Centralised information sources were thought to be more effective, such

as Direct Gov or Business Link. The issue of ambiguity arose again in the context of the second theme, the current legislation. The general view on the legislation in this area is captured by one respondent:

> *"…the thing is it (legislation) was conceived in one era when we saw children and what they did……but we actually have a whole new form in which children work…."*

There was agreement that there is a need for legislation to be modernised and made applicable to contemporary society and childhood:

> *"…fragmented legislation system needs sharpening up….. the fact that it is sloppy at present impacts on awareness levels….. lack of registration means authorities can't inspect and regulate …there's a link, all inter-linked….system needs sharpening up but then awareness raising and enforcement also need sharpening up…"*

As this quote shows, interviewees were of the view that the present legislation may also be a contributory factor when we consider the reasons for the ineffectiveness of the current system.

Alternative approaches.

Stakeholders were invited to comment on the alternative approaches to registration which were identified from the literature review. We also explored whether the stakeholders had any proposals for alternatives to the present registration system. There were no alternative approaches tabled by any of the stakeholders. Interviewees identified a number of 'advantages' and 'disadvantages' for each alternative approach. To provide an overview of the comments the main issues are summarised below.

Maintain the current regulatory framework

In this approach part-time work would continue to be regulated by local authorities. This would involve the continuation of a work permit registration system. A more pro-active approach may be required from local authorities and this would need to be supported by the necessary resources.

Advantages

- current system is known and we know how it should work
- better than the alternatives

Disadvantages

- resource issues and ongoing cost commitment which will be difficult to maintain
- evidence issue, how does any local authority know that the system is working?
- attempts to make this system work have had limited success

- process requires employers to constantly update registration as employees change
- outdated and fails to reflect the reality of children's lives
- fundamental information gaps that simply raising awareness would not address

Adopt a national regulatory framework.

In this option the flexibility afforded to local authorities to introduce their own byelaws would be removed. Instead central government would specify the regulatory framework, removing any confusion created by regional variation in byelaws. Local authorities would still maintain and administer the work permit system within this framework set by central government.

Advantages

- one set of rules would add clarity and consistency across the UK
- removes variability between authorities
- provides an opportunity to revisit national standards and review types of activities that child employees can undertake
- removes confusion for employers
- could improve compliance with registration as current variations and inconsistencies undermine the current procedures

Disadvantages

- loss of local autonomy
- loss of flexibility to accommodate variations in job types between different areas

Adopt an employer registration system.

In this approach work permit registration would be replaced by an employer registration system. Employers would inform local authorities if they had any child employees. The local authority would then have the responsibility of ensuring that such employment complied with the legislation.

Advantages

- would be less of a burden for local authorities
- improve information flow as employers would be identifying themselves
- provides local authority with evidence base of who is working and allow inspection and monitoring
- provide an opportunity to outline a code of practice for employers
- provide opportunity for a 'sea change' to kick start new approach to this issue
- option to run this at national or local level

Disadvantages

- plays into hands of employers who wish to abuse the system by not owning up to employing children
- would require an inspection system and that would have resource implications
- need to agree a code of practice for employers
- would need to be run at national level as scope for confusion if local authorities are allowed to devise their own versions of this system
- danger that it becomes a 'tick box' exercise for employers
- lose sight of the child employee in this process and capacity to respond to individual child's circumstances and protect their interests

Extension of the rights of adult workers to school students working while still within compulsory education.

In this approach children would be issued with a National Insurance number at the minimum age for work. There would be an explicit extension of adult workers rights to cover young people who are working while at school in the compulsory school stage. For example the National Minimum Wage would be extended downward to cover this group of employees.

Advantages

- would acknowledge this group of employees and what they do
- mirrors the real 'world of work' more effectively and has potential to enhance learning about work
- acts as an early introduction to and raises awareness of employment rights

Disadvantages

- cost implications for employers
- detaches local authority from a system where they have a role in protecting children
- employers would walk away from the risk of unfair dismissal claims, holiday and redundancy issues for this group of employees.
- would result in a reduction of job opportunities for young people
- would lose sight of child employees as fundamentally different type of employees requiring specific attention
- loss of child protection role embodied in current registration system

Potential impact of any changes to the registration system

Any changes to the current registration system or procedures could have a number of consequences, some of which may be unforeseen. We therefore asked our interviewees whether they had any specific ideas which they wished to identify. Responses tended to focus on general concerns about change in this area. A number of specific themes emerged.

The concerns raised were that any changes would result in a system that:

- was burdensome for those who have to administer the process and for employers who have to comply with it
- may have cost implications. These may arise from the need to have improved monitoring or inspection systems. This raised an associated concern for some interviewees that local authorities may seek to charge for registration and this, in their view, would have a negative impact on the number of job opportunities for this group.
- would impact on local authorities either by reducing their autonomy in this area or that specific changes would have staffing implications.
- may result in a loss of focus on the child within the employment situation. It was noted that the current system, if it worked, was supposed to protect the individual child employee. The implication of some of the alternative approaches to registration was that this would be lost.
- would result in a system where employers may lose sight of the fact that child employees are different from adult employees. For some interviewees this differentiation was important and could be lost in any new approach.
- any change had to be proportional to the risks in this area.

One interviewee expressed the view that it was difficult to anticipate the impact of any change and advocated that any proposed changes should be piloted to allow for a fuller assessment of potential consequences.

There was consensus across all interviewees regarding one concern. As one interviewee stated:

> *"…any change in registration system shouldn't reduce opportunity for children (to work)"*

This reflected the general view of all of the stakeholders that the opportunity to gain employment experience could be potentially valuable for this group of young people.

Conclusions

The main goals of the stakeholder interviews were to establish the usefulness of the alternative approaches in stimulating discussion of child employment registration and to ascertain whether any additional alternative approaches should be included in the main study. Both of these goals were achieved and in particular it is worth noting that none of the stakeholders proposed any alternative approaches.

Based on the stakeholder interviews it is clear that the ineffectiveness of the present registration system is linked to lack of awareness. However, it is also evident that raising awareness is not a panacea as the efficacy of the present system is also linked to poor information flow, content of current legislation and the priorities set by local authorities.

When considering the alternative approaches our aim was not to identify the 'best' alternative approach, but rather to identify issues that we would wish to explore in the main data-collecting stages of the project. However it is clear that stakeholders

were not particularly positive about maintaining the present system but were largely positive about the advantages of establishing a national regulatory framework to replace the various byelaws that cover this area.

The discussion of an employer registration system resulted in the identification of a number of advantages and disadvantages. It is worth noting that no specific form of employer registration was proposed during these interviews. We were keen to have the interviewees express their views on how such a system would operate. It could be argued that a number of the advantages and disadvantages identified here could be dependent on the form of employer registration adopted.

There was support in principle for the fourth approach, the extension of employment rights to child employees. However, the interviewees expressed concerns that adopting this approach would have a negative impact on the opportunities for employment amongst school pupils. As we noted all of our stakeholders were of the view that this employment experience is potentially valuable and that care should be taken not to jeopardise such opportunities.

Finally, the interviews also reveal a fundamental issue. For our stakeholders the perceived goal of any registration system is that it protects child employees. In theory the current registration system offers this protection but fails to deliver it in practice. If an alternative registration system is adopted one issue it will have to address is how does it 'protect' child employees.

Chapter 6: Local authority survey – policy and practice

Introduction

The survey element of the project had three main goals. First, provide an overview of the current practices for regulating child employment in England. Second, provide insight into the views of respondents regarding the efficacy of the current system. The third goal is to obtain the views of respondents to alternative approaches to registration.

Methodology

Local Authority Sample

The target sample was one third of local authorities. To ensure that the diversity of authorities was reflected in the sample we selected authorities based on the type of authority, geographical location and socioeconomic indicators. A number of the authorities from our initial target list declined to participate (n=5) and some failed to respond (n=9). These authorities were replaced where possible with substitutes that reflected the profile of the original choice. A total of 65 authorities were contacted to provide the final sample of 51 authorities.

The 51 authorities comprise of 12 Shire, 18 Unitary, 13 Metropolitan and 8 London Borough authorities. Table 6.1 provides an overview of the participating authorities.

Table 6.1: Type of authority and location (n=51)

	Shire	Unitary	Metropolitan	London Borough
London				8
South East	5	3		
Yorkshire & Humberside		2	4	
North West	1	3	4	
North East		3	2	
East	3	2		
East Midlands	2	1		
West Midlands		1	3	
South West	1	3		
Total	12	18	13	8

Local authorities were informed about the nature of the project and the survey. They were asked to identify respondents to complete the survey. The survey (see Appendix 2) asked for information on a range of current practices, such as the provision of information on child employment. In addition a series of questions asked respondents for their views on the current registration system and alternative approaches. Throughout the survey there were opportunities for respondents to provide comments. In this chapter we look at the current practices and respondents' views of this system, followed by their evaluation of alternative registration approaches.

Regulating child employment: the local authority context

Previous research indicates that local authorities have relied upon a work permit system to ensure that child employment regulations are being applied and followed. The current survey results suggest that this pattern still applies throughout England. All 51 local authorities indicated that they use a work permit system. However, this does not mean that they implement this system in the same way or apply the same resource levels to this area.

All of the local authorities have indicated that they produce information in the form of leaflets/information packs or web based material on child employment. This material is targeted at a range of end users. Table 6.2 shows that a range of material is provided for a range of audiences.

Table 6.2: Information for end users on child employment (%)

Information provided for:	Yes	No	N of local authority
Parents/carers	92%	8%	51
Schools	73%	27%	51
Employers	94%	6%	51
School students	96%	4%	51

The majority of authorities (n=49) indicated that they were involved in some form of awareness raising activities to highlight the current system. Based on respondents' descriptions of these activities we classified these activities as school-based, employer-focused and, lastly, participation in the National Network of Child Employment and Entertainment's (NNCEE) national child employment week.

Table 6.3: Awareness raising activities reported.

	School-based	Employer-focused	Child Employment Week (NNCEE)
No. of authorities	36	31	23

The most common activities were school-based and revolved around raising awareness about employment regulations. This was done through a range of approaches including posters, presentations at assembly and class-based talks. These school-based activities also included attendance at parent evenings and career sessions.

Employer-focused activity included visits to employers, sending information leaflets and in some cases presentations to groups of employers. A focus on employers can also be found in the Child Employment Week where visits to employer premises are carried out. Fewer than half of our respondents indicated that they had participated in this initiative.

The comments from respondents highlighted some more novel activities, such as the use of the media and input to professional staff training days to raise awareness around this topic. There was some indication that a small number of respondents had been involved in 'research' activities to gather information on child employment within their area. This information had then been used by them to highlight the issue and inform practice. While respondents highlighted a range of activities in some cases it was clear that these were very often "one off" events and a number of respondents described activities that had taken place a few years ago.

The level of activity in such awareness raising initiatives will of course be dependent on resources. A key resource in this respect is staffing. It is clear that staffing levels to support child employment registration does vary between authorities. A minority of authorities (36%) indicated that staff dealing with this issue have it as their sole duty. In some cases where child employment is the sole duty for the member of staff they are in fact part-time. In contrast a small number of authorities (14%) have more than one member of staff solely dedicated to this area. For the majority of authorities (64%) the staff responsible for child employment manage this role alongside other duties.

In just over half of the authorities (55%) the staff dealing with child employment are based in the departments for Education and Welfare Service. In two of these cases the administrative and checking roles are split between two departments. One authority was in the process of restructuring and was unable to tell us which department they would be based in. Of the remaining authorities staff responsible for child employment are based in Children's Services or Children's Safeguarding Units.

Regulating child employment: work permits

As noted earlier all of the authorities participating in this project indicated that they use a work permit system. We asked local authorities to provide information on the number of permits that they had issued over three time periods; the last academic year 2009-10; the previous academic year 2008-09 and the three previous academic years, 2005-08.

Of the 51 authorities covered by this report 39 (76%) were able to provide information for the 2009-10 period, 37 (73%) for the 2008-09 period and 31 (61%) for the 2005-08 period.

Figure 6.1 shows the mean number of permits issued based on the type of local authority. It should be noted that in Figure 6.1 we are dealing with different time periods. To help us compare these different periods we have used the average yearly number of permits issued over the period 2005-2008.

Figure 6.1: Mean number of permits by type of authority.
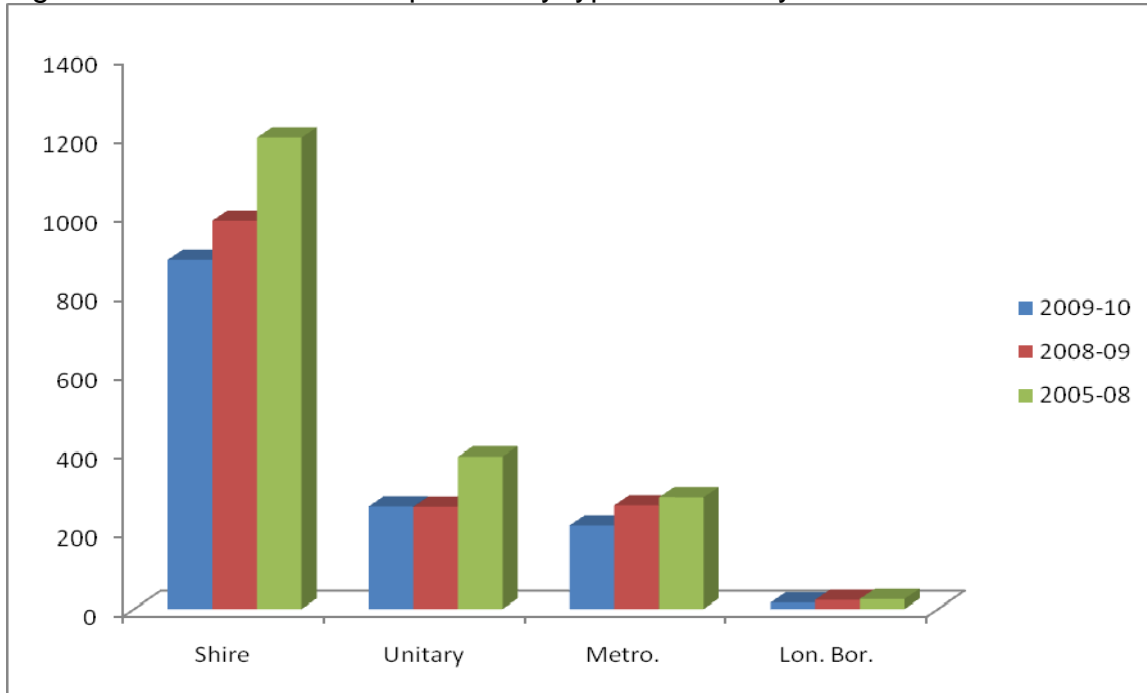
Correlating the number of permits issued by local authorities in each of the different time periods resulted in strong positive correlations. This indicates that there is some consistency in the number of permits issued by any authority over the time periods covered in this study. It is also evident that there is variation between types of authority in permit levels.

The figure below (Fig. 6.2) shows the mean number of permits across the nine geographical areas covered in this study.

Figure 6.2: Mean number of permits by area.
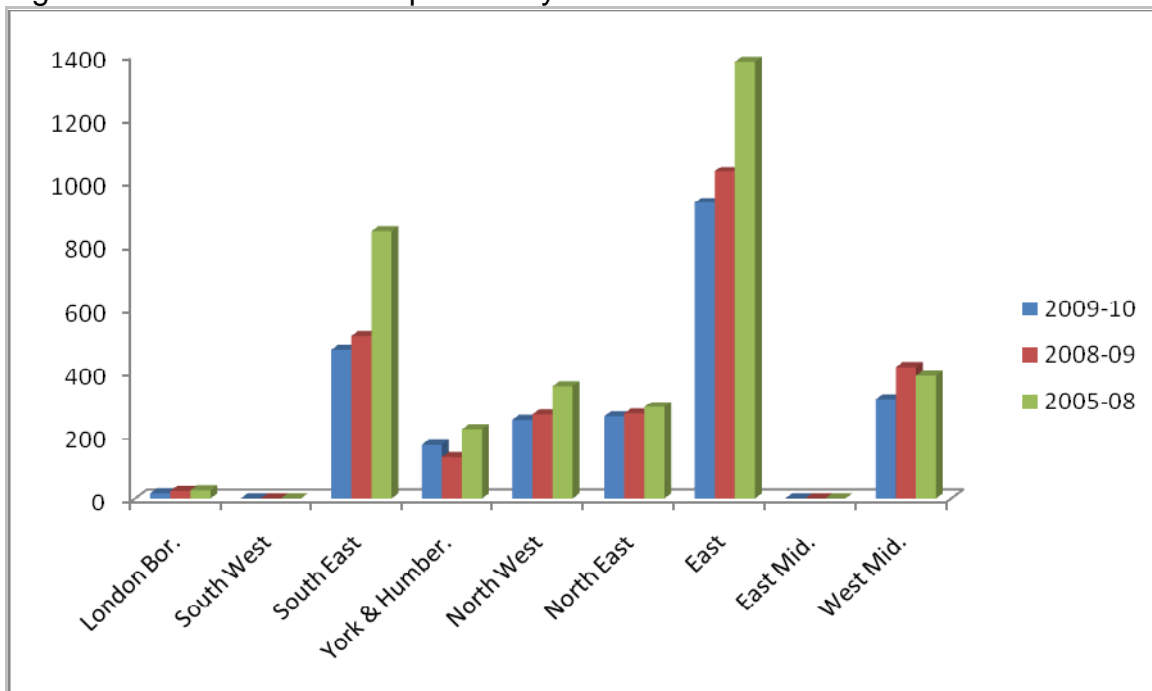
In Figure 6.2 we are once again dealing with different time periods. To help us compare these different periods we have used the average yearly number of permits issued over the period 2005-2008.

In the above figure, three areas are notable by the absence of work permits. In the case of the South West the participating local authorities in this area were only able to confirm that they had issued permits, but were unable to provide information on the number issued. In the case of the East Midlands only one of the three participating authorities in this area could provide information on the number of permits issued. In this case a mean calculation of permits issued in this area is not feasible.

In both Fig 6.1 and 6.2 the London Boroughs barely register on the graphs. In this case the participating authorities in this area were able to provide information on work permit levels. However, the number of permits recorded in each time period is very low.

It is clear that the local authorities in this project have systems in place that allow them to issue work permits. However, there is the question of how effective the system is. In the context of the present project assessing the efficacy of the current work permit system is largely based on a review of local authority practice and an assessment of the views of those who apply the current regulatory system. An alternative indicator of efficacy would be to compare the number of work permits issued with the number of young people who are employed.

While addressing this question with primary data is outwith the remit and scope of the present study it is possible to consider this issue by using secondary data. A representative study of school students in Scotland found that amongst S3 (Yr10) and S4 (Yr 11) school students 31% were currently working (Howieson et al, 2006). There is no evidence to indicate that Scottish school students are more or less likely to have a part-time job than students in England. We can therefore extrapolate this information to estimate the potential number of school students within our sample of English local authorities who may have a part-time job.

A total of 39 local authorities provided information on the number of permits issued in 2009-10. In 37 cases we were able to establish the school roll for 13-15 year olds within those authorities for 2009. Table 6.4 provides a breakdown by local authority of the school roll, the estimated number of working school students and the total number of permits issued by that authority.

This shows the extent of the gap between the number of permits issued and the estimated number of working school students. We should also note that our extrapolation may underestimate the actual number of working students as it does not include school students who are 16 years of age but still within the compulsory education regulations.

Table 6.4: School roll, working students and work permits issued by local authority (2009-10).

LA	School roll (13-15 yr olds)	Number working (estimate based on 31% working)	Total work permits (2009-10)	Total work permits (09-10) as percentage of estimated workers*
LA2	5210	1615	154	9%
LA3	4480	1389	1	Less than 1%
LA4	11650	3612	503	14%
LA6	36590	11343	313	3%
LA7	4880	1513	234	16%
LA8	10440	3236	81	3%
LA9	16610	5149	456	9%
LA10	17780	5512	969	18%
LA11	7800	2418	74	3%
LA12	10450	3240	328	10%
LA13	17800	5518	714	13%
LA14	16350	5069	300	6%
LA15	4190	1299	14	1%
LA18	1740	539	2	Less than 1%
LA20	4480	1389	3	Less than 1%
LA22	6440	1996	202	10%
LA23	8970	2781	195	7%
LA26	6380	1978	525	27%
LA27	6440	1996	267	13%
LA28	31430	9743	1264	13%
LA29	7600	2356	5	Less than 1%
LA31	11510	3568	161	5%
LA34	3720	1153	389	34%
LA35	47920	14855	1982	13%
LA37	5420	1680	39	2%
LA39	4570	1417	109	4%
LA40	6030	1869	97	5%
LA41	7800	2418	109	5%
LA42	10690	3314	87	3%
LA43	15600	4836	424	9%
LA44	3440	1066	248	23%
LA45	9910	3072	285	9%
LA46	5560	1724	39	2%
LA47	10760	3336	358	11%
LA48	8970	2781	45	2%
LA50	7820	2424	151	6%
LA51	26310	8156	379	5%

*rounded to nearest whole percentage

The table also highlights the variation between authorities. In table 6.5 and 6.6 we consider the extent of variation by local authority type and area. Based on this information the Shire and Unitary authorities in this sample have issued 12% of the necessary permits, while the Metropolitan and London Borough authorities have issued 6% and 1%, respectively.

Table 6.5: School rolls, working students and work permits issued by type of authority (mean numbers)

	School roll (13-15 yr olds)	Number working (extrapolation based on 31% working)	Work permits (2009-10)	Work permits (09-10) as percentage of estimated workers*
Shire	24779	7681	884	12%
Unitary	6738	2089	242	12%
Metropolitan	11596	3595	213	6%
London Borough	5288	1640	16	1%

*rounded to nearest whole percentage

Table 6.6: School rolls, working students and work permits issued by area (mean numbers)

	School roll (13-15 yr olds)	Number working (extrapolation based on 31% working)	Work permits (2009-10)	Total work permits (09-10) as percentage of estimated workers***
London Bor.	5289	1640	16	1%
South West*	11500	3565		
South East	14093	4369	468	11%
York & Humber.	8615	2671	168	6%
North West	9293	2881	247	9%
North East	7554	2342	258	11%
East	24027	7448	934	13%
East Midlands**	26310	8156		
West Midlands	16623	5153	313	6%

*none of the participating authorities in this area were able to provide data on permit levels
** only one of the participating authorities in this area supplied permit information
***rounded to nearest whole percentage

The data on work permit levels highlights an important resource issue. Based on the estimated number of working school students local authorities would face a major task if a significant number of child employees were to request the necessary work permits. To meet such a demand authorities would have to reconsider the resource allocation models they use to deal with this issue.

Regulating child employment: checking compliance

Issuing work permits and keeping records of those issued could be interpreted as an indicator of the efficacy of the current system. The survey also explored other aspects of authorities' records and activities in this area. We will focus on three areas:
- whether an authority has systems for checking compliance of young employees and employers;
- evidence of refused requests for permits, revoked permits or amendments to existing permits;
- whether records of warnings or prosecutions are kept.

Checking compliance

Across all 51 authority's 63% indicated that they had a system for checking school students' compliance with the regulations, while 37% indicated that they did not. Two authorities were unable to tell us if they had a process for checking compliance. When we consider the response to the questions relating to checks on employers 78% of authorities indicated that they had mechanisms for doing this and 22% had no such system in place. In this case one authority was unable to respond. Figures 6.3 and 6.4 summarise responses to compliance checking by type of authority. The figures also show that there is greater variation between authority type for checking on school student compliance compared to employer checks.

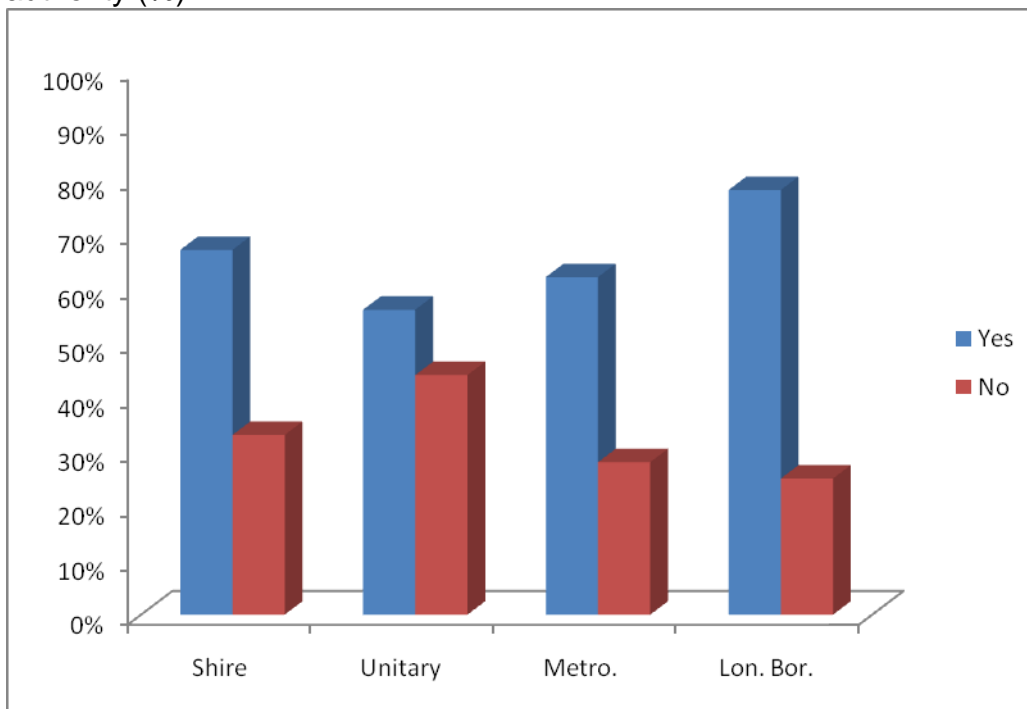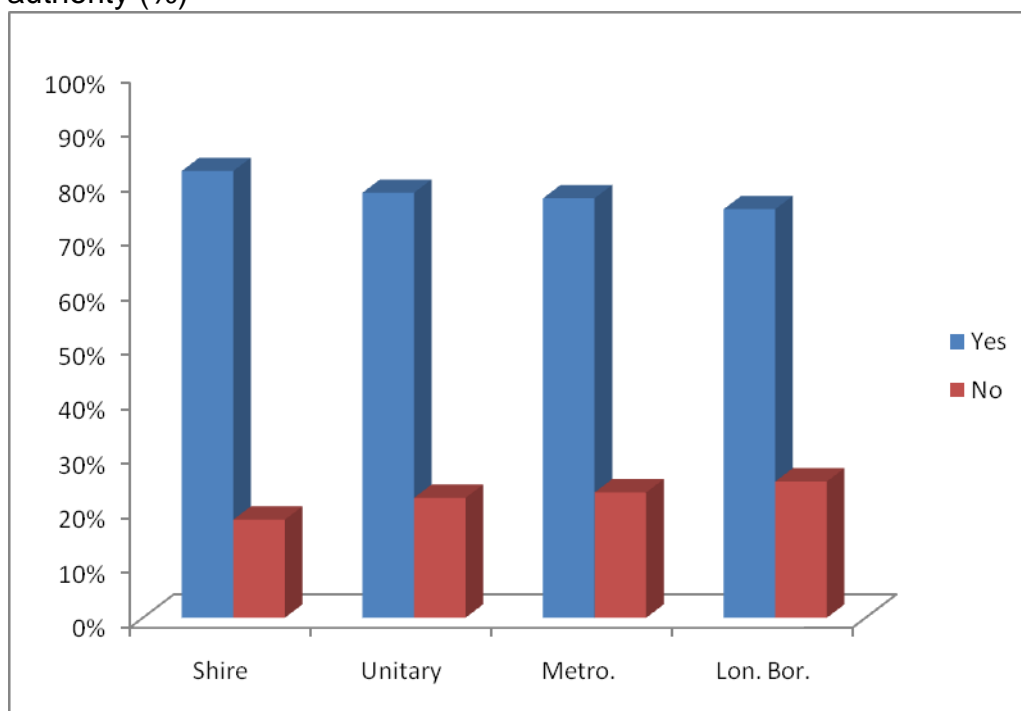Figure 6.3: Systems for checking school students' compliance by type of authority (%).

Figure 6.4: Systems for checking employers' compliance by type of authority (%)

Managing the work permit system

The overall level of work permits that are issued can provide some insight into the efficacy of the current system. However, young workers may not comply with the regulations or the conditions of their employment may change. The efficacy of the system surrounding the issuing of work permits may be reflected in its ongoing management.

To explore this issue we asked respondents if they could tell us whether they have refused, revoked or amended work permits. Table 6.7 summarises the responses.

Table 6.7: Local authority responses: refused/revoked/amended work permits (%)

	Yes	No	N of local authority
Work permits refused	78%	22%	49
Work permits revoked	24%	76%	49
Work permits amended	42%	58%	48

In each case a small number of authorities were unable to answer these questions. Revoking and amending work permits provides some evidence of a system that is responding to changes over time. This is also reflected in the responses indicating that over three quarters of authorities had refused permit requests. We must be cautious in interpreting these results as the number of instances in which this happens is small.

Warnings and prosecutions

The survey asked respondents whether they kept records of warnings they issued or prosecutions that were undertaken. Just under two thirds of authorities (60%) indicated that they keep records of warnings issued, while 65% kept records of prosecutions.

We should keep in mind that warnings and prosecutions are relatively rare events. For example, amongst our sample 33% indicated that they had issued warnings in the academic year 2009-10, while 6% of our sample indicated that they had been involved in prosecutions in that same time period. Given the potential implications underlying warnings and prosecutions it is perhaps surprising that not all of our sample keep such records.

Views on current system

Respondents were asked to indicate their views on the current regulatory system by indicating their agreement or disagreement to a series of statements. As Fig 6.5 shows the majority (61%) are of the view that the current system is not effective in protecting children who work (61% disagree/strongly disagree with the statement that the system is effective in protecting children)

Over three quarters of respondents are of the view that the system is not difficult for employers to operate (76% disagree/strongly disagree with the statement that the system is difficult for employers to operate). Under half of all respondents (44%) either agreed or strongly agreed with the statement that the current system is difficult for authorities to administer.

Figure 6.5: Current system: statement responses (%)
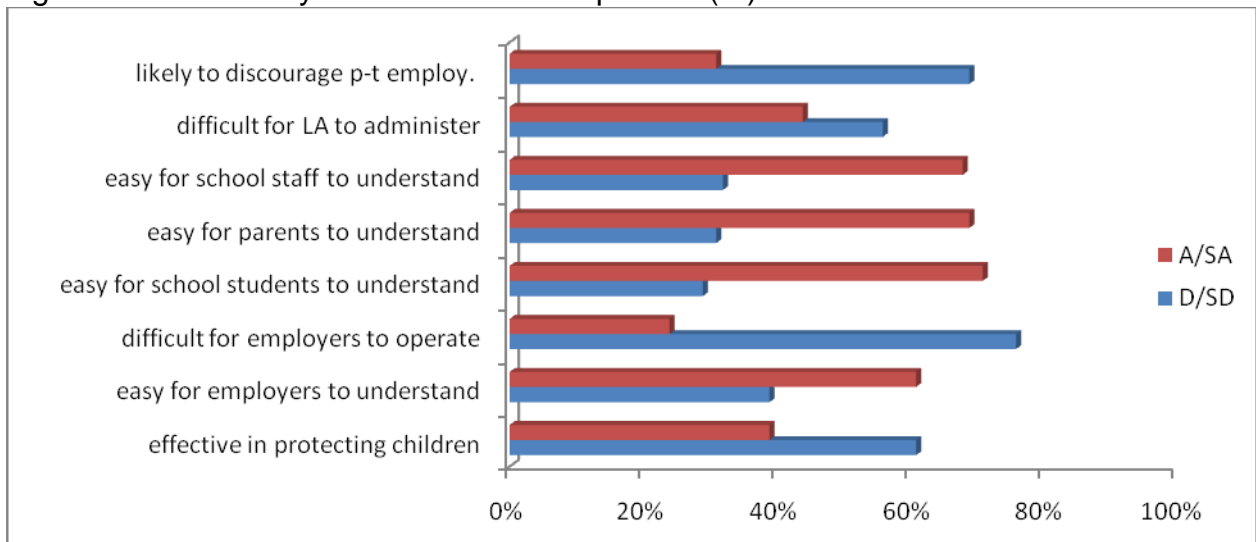
Key: A/SA = agree or strongly agree ; D/SD= disagree or strongly disagree

In respondents' comments on the advantages and disadvantages of the current registration system two dominant themes emerged. The first advantage of the present system was its clarity and simplicity. Respondents indicated that in their view

the current registration system is:

- quick and easy to administer
- simple and straightforward
- clear for employer and parents
- not too demanding for the employer

The second theme reflected respondents' views that the current system allows for consideration of the individual child within the registration process. This was reflected in the following advantages:

- matches job and individual child
- requires risk assessment
- allows intervention if child's job is detrimental
- encourages good attendance at school
- allows school to be informed
- information is shared between schools and Education Welfare Department
- student is protected and health and safety highlighted
- child focused

Comment on the disadvantages of the current system was dominated by the theme of resources. The following resource constraints were identified:

- local authority fails to allocate resource
- staffing levels prohibit implementation of system
- poor IT for monitoring
- demands of entertainment licensing dominate
- lack of time to follow-up
- no time to carry out checks or visit premises

A number of other disadvantages were also noted:

- poor employer compliance
- reactive rather than proactive system
- legislation underlying whole system outdated
- variation across local authorities adds to confusion
- lack of understanding by stakeholders of the rationale for the need for a system
- poor awareness levels
- no legal powers to inspect
- no ISA check on employers
- limited prosecutions and enforcement

We will consider these comments in more detail at the end of this chapter.

(ii) Views on alternative approaches

As noted in Chapter 2, four alternative approaches for regulating child employment were constructed based on the literature review. The stakeholder interviews allowed us to verify the usefulness of these approaches and that our alternatives captured the range of current thinking in this area. The four approaches were:

- an enhanced version of the present system
- a national framework of regulations on child employment
- an employers' registration system
- the extension of adult employee's rights to child employees

In the survey respondents were asked to comment on these alternative approaches by indicating their agreement or disagreement with a series of statements (see Appendix 2). Respondents were also asked to provide comments identifying the potential advantages and disadvantages of these approaches.

In this section we consider the responses by summarising the views on each alternative approach and considering the major themes to emerge from the advantages and disadvantages noted by respondents.

Enhanced version of the current system

In this enhanced version of the current regulatory framework part-time work would continue to be regulated by local authorities. This would involve the continuation of a work permit registration system. A more pro-active approach would be required from local authorities and this would need to be supported by the necessary resources.

The majority of respondents (75%) agreed or strongly agreed that this approach would be more effective in protecting child employees, while approximately one third (35%) agreed with the statement that even an enhanced version of the current system would be difficult for authorities to administer.

Respondents indicated that they believe that levels of understanding would be greater for school students, parents and school staff under this approach compared to the current system.

Figure 6.6: Enhanced version of current system: statement responses (%)
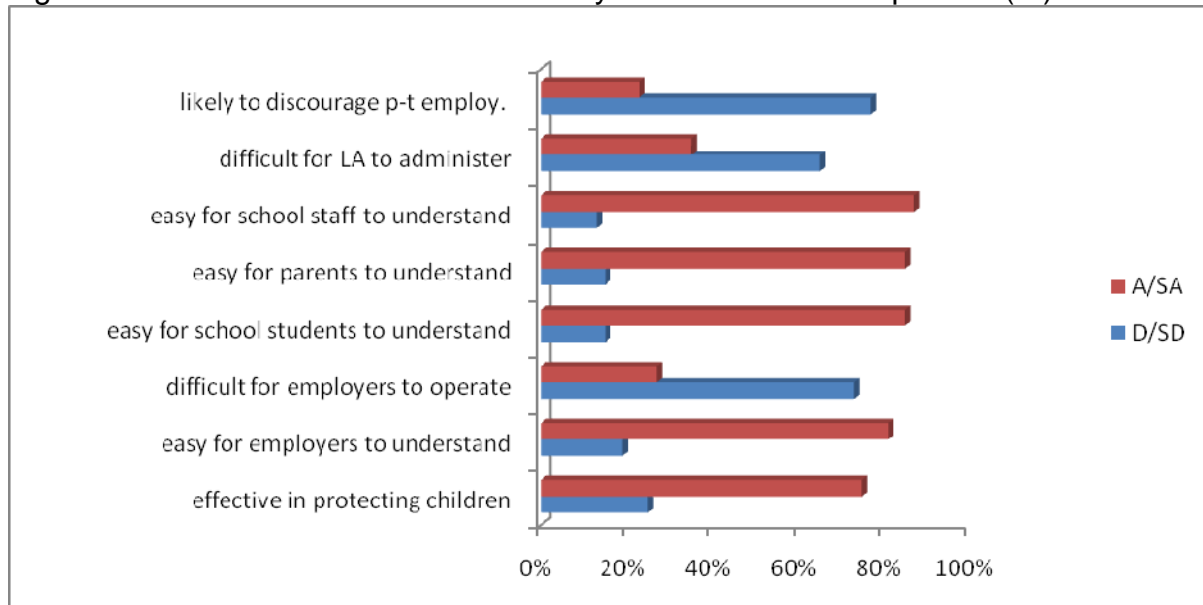
Key: A/SA = agree or strongly agree ; D/SD= disagree or strongly disagree

Respondents identified a number of potential advantages associated with this approach. These ranged from general comments such as providing better protection for this group of employees through to more specific advantages such as improving IT systems. The latter type of advantage implies that respondents had specific ideas about how any new resource should be used. The main themes that were identified are summarised below.

Advantages

Impact of new resource:

- more staff would speed up the system
- improve IT systems
- allow for appropriate checks
- allow for follow-ups to applications

Others noted specific advantages which implied activities to be undertaken:

- raising awareness
- adopt pro-active approach
- improve monitoring and enforcement
- maintain central records
- better communication and information

The final responses were more general:
- better protection for children
- remains in local authority control
- builds on existing professional expertise

Disadvantages

- level of resource needed would be high
- resources will not be forthcoming, especially in the current climate
- difficulty of coping with increased level of work permit requests
- fails to tackle problem of variability in:
    - byelaws
    - local authority practice
    - employer engagement
- still need to update the legislation in this area
- permit system needs to be amended

The advantages highlighted above provide some insight into respondents views on the weaknesses in the current system. However, it is clear that many are sceptical that the necessary level of resource would be forthcoming. It is also evident that more resource in and of itself would not improve the system. Respondents draw attention to the fact that fundamental issues such as variability in byelaws and outdated legislation would still need to be addressed.

Adopt a national regulatory framework.

In this approach the flexibility afforded to local authorities to introduce their own byelaws would be removed. Instead central government would specify the regulatory framework, removing any variation or confusion created by regional variation in byelaws. Local authorities would still maintain and administer the work permit system within this framework set by central government.

Figure 6.7: National Framework: statement responses (%)
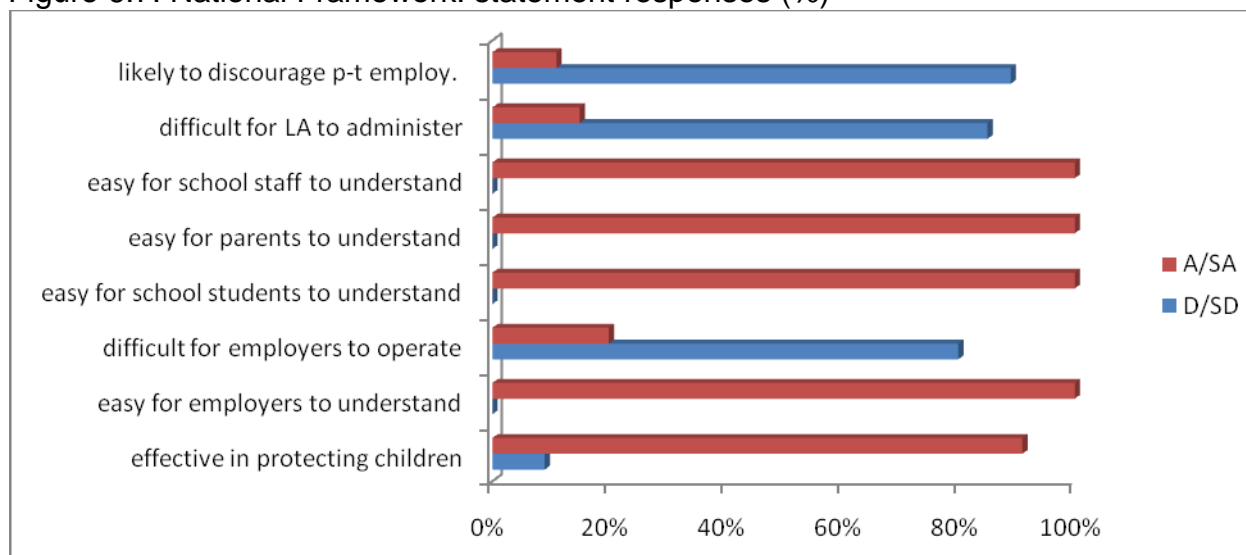
Key: A/SA = agree or strongly agree; D/SD= disagree or strongly disagree

In contrast to any of the other approaches all respondents (100%) either agreed or strongly agreed that this approach would be easy for all stakeholders to understand, that is employers, school students, parents and school staff. This strong positive response is also found when we consider the issue of protecting children (91% agree or strongly agree with statement that this approach would protect children) and the

ease of administering this approach at the local authority level (85% either disagreed or strongly disagreed that this approach would be difficult for local authorities to administer).

Consideration of the comments provided by respondents identified the main advantage and disadvantages of this approach.

Advantages

- consistency of approach between local authorities
- clarity for all those involved
- 'fairness' for child employees i.e. prescribed jobs the same in all areas
- more effective in protecting children
- would allow for new legislation
    - offers chance to modernise and remove confusion
    - offers possibility of inspection process
- production of 'national standards'
- any future updating of regulations would be easier
- allow for sharing of good practice and cooperation across local authority boundaries
- would raise awareness at launch of this framework

A number of respondent's responses indicated that they saw this approach running alongside the existing work permit system. For other respondents their comments indicate that they considered that this approach would provide a standardised procedure for all local authorities to follow. They view this as going beyond the provision of a "universal byelaw" and would also entail national guidance on procedures and practices.

Disadvantages

A number of respondents (approximately one third) specifically indicated that they could perceive no disadvantages associated with this approach. Other respondents noted the following disadvantages:

- loss of local authority flexibility and failure to capture 'unique' local aspects
- still have to get employers to register each child
- agreeing content of the framework
- does not tackle outdated legislation e.g. Sunday working
- nothing to make employers engage with this system
- still have resource problem of administering registration system
- still have problems associated with work permits

<u>*Employer registration approach*</u>

In this approach work permit registration would be replaced by an employer registration system. Employers would inform local authorities if they had any child employees. The local authority would then have the responsibility of ensuring that such employment complied with the legislation.

Figure 6.8: Employers Registration: statement responses (%)
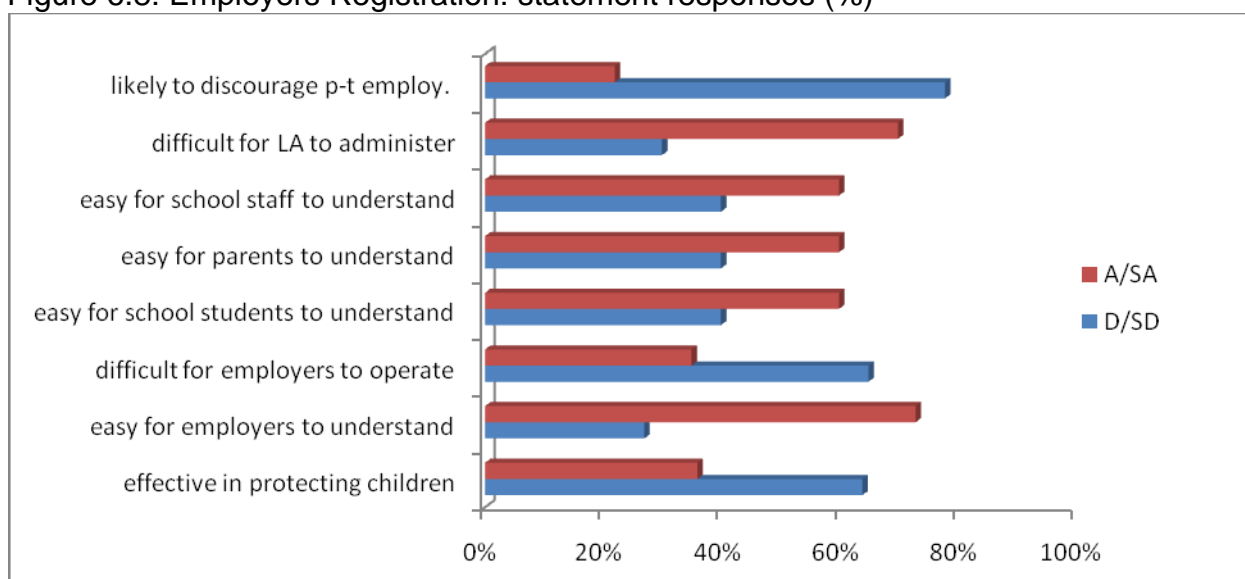
Key: A/SA = agree or strongly agree; D/SD= disagree or strongly disagree

In this case responses indicate that there is a concern over the extent to which this approach would protect child employees (64% either disagreed or strongly disagreed with the statement that this approach would be effective in protecting children). There would also appear to be concerns over the administration of this approach (70% either agreed or strongly agreed with the statement that this approach would be difficult for local authorities to administer).

A number of participants (n=9; 18%) explicitly stated in the 'advantages' response section that they could see no advantages in adopting such an approach. Other respondents did suggest potential advantages.

Advantages

- places responsibility on the employer
- easier to regulate
    - lower administration costs i.e. no work permits
    - simpler process for employer
- simpler system
- allow for better vetting and checking of employers
- would raise awareness amongst employers
- de-regulation, could increase employment opportunities
- improve working relationships between local authority and employers
- sanctions are clear (e.g. removal of registration)
- consistency

It should be noted that a number of the advantages identified are based on assumptions about how such an employer registration system would work in practice. For example some respondents appear to assume that such a system would be national, others that work permits would no longer be needed and that a child employment inspectorate would be included as part of this approach.

Disadvantages

- employers will fail to inform local authorities or engage with the system
- increased administration for employers and record keeping
- would result in a reduction in employment opportunities as employers avoid system
- fails to safeguard the individual child
- would require significant local authority resource to monitor and inspect
- local authorities would find it difficult to regulate and enforce
- in addition to inspection system would need power of entry for inspectors
- would require criteria for "approving" employers

As with the 'advantages' section comments reflect different assumptions regarding the form of employer registration. For some respondents their disadvantage is linked to the view that such an approach would result in the loss of the capacity to monitor the individual child, for others their concerns are linked to the assumption that local authorities would each introduce their own version of this approach i.e. it would not be a national system.

<u>*Extension of the rights of adult workers to school students*</u>

The final approach covered in the survey proposed that children would be issued with a national insurance number at the minimum age for work. There would be an explicit extension of adult workers' rights to cover young people who are working while at school in the compulsory school stage. For example, the National Minimum Wage (NMW) would be extended downward to cover this group of employees.

Figure 6.9: Extension of employment rights: statement responses (%)
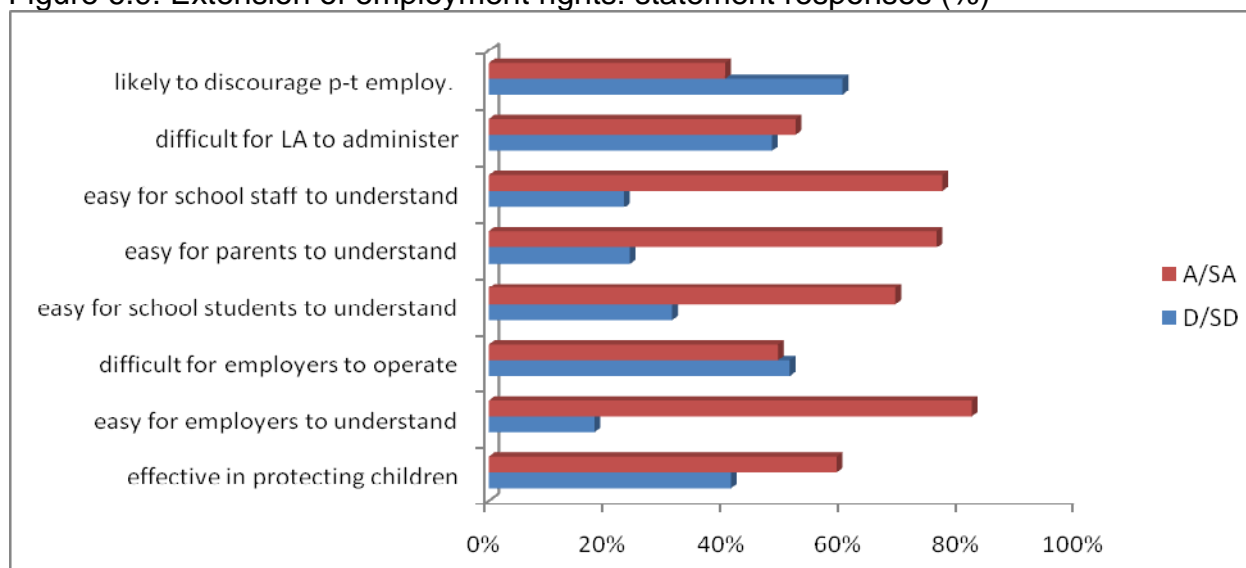
Key: A/SA = agree or strongly agree; D/SD= disagree or strongly disagree

Fifty nine percent (59%) of respondents agreed/strongly agreed that this approach would be effective in protecting children. The ease of administering such an approach produced an even split between respondents (52% agree or strongly agree, 48% disagree or strongly disagree with the statement that this approach

would be difficult to administer).

In responses to this approach we see the highest percentage of responders indicating that they are of the view that this approach would be likely to discourage child employment (40% agree or strongly agree with the statement that this approach is likely to discourage employment).

Respondents identified a number of advantages and disadvantages associated with this approach:

Advantages

- would set a minimum wage level for this group of employees (not necessarily the same as adults)
- recognise this group of young employees
- clarity for employers
- reduce exploitation of young workers
- improve protection via the extension of employment rights
- less administration and bureaucracy

Disadvantages

- increased cost and administration for employers
- would result in fewer employment opportunities for young people
- issuing NI number could add confusion to system regarding end of compulsory education period
- still leaves the problem of how to monitor and check child employees in order to safeguard them
- difficult to enforce
- introduction of NMW would not be viable in some sectors that employ young people (e.g. newspaper delivery)
- employers would ignore the system and employ illegally
- fails to recognise the difference between child and adult employees

Preferences

In the latter section of the survey respondents were asked to rank order the alternative approaches. Figure 6.10 summarises the respondent's preferences. When we consider 1st preferences it is clear that amongst this group of respondents a National Framework approach is popular (69% first preferences). Amongst the second preferences the Enhanced version of the current regulatory framework received the greatest support (54%).

The remaining two approaches, Employer Registration and Extension of Adult Rights, were more likely to be selected as 3rd or 4th preferences.

Figure 6.10: Preferred approach rank order (%)
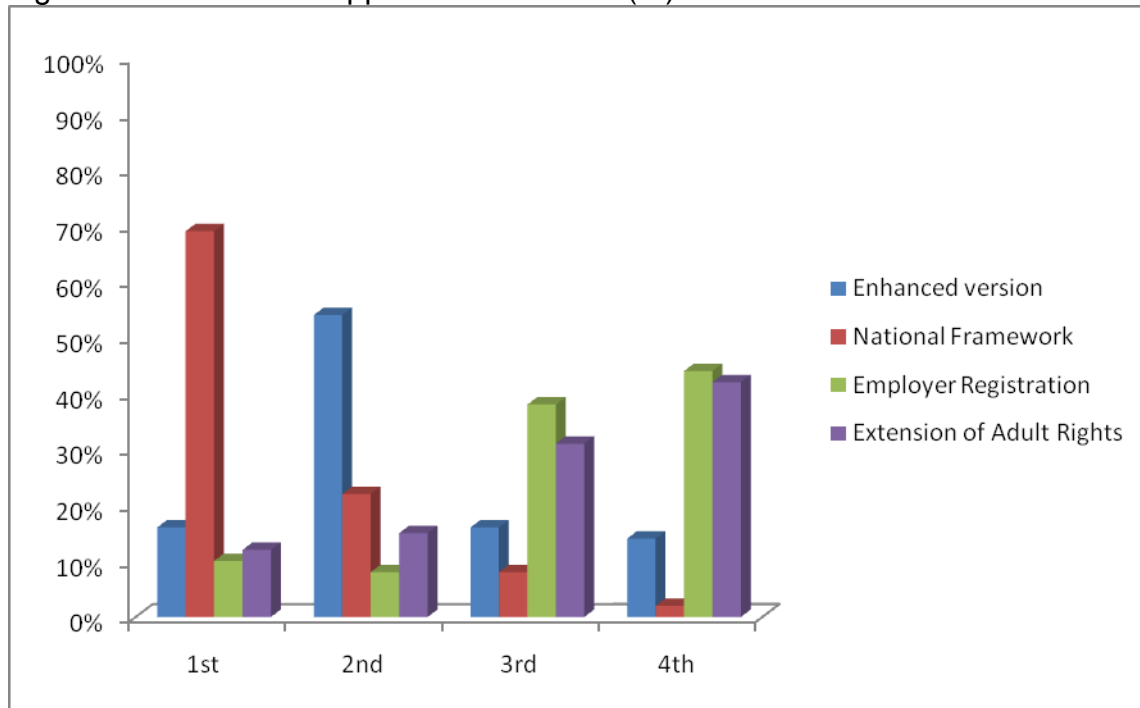
In addition to indicating their preferred approach respondents were asked if they thought that combining approaches may be more effective and, if so, which approaches would they combine? It was apparent in the comments on the individual approaches that some respondents were of the view that a single approach would not solve the problems with the current registration system.

In fact, around three quarters of respondents proposed a combination of approaches (n= 39: 76%). The most popular choice (13 respondents) was to combine an enhanced version of the current system with the adoption of a national regulatory framework. The second most popular combination (8 respondents) was a national regulatory framework combined with an extension of the rights of adult workers to school students.

It is worth noting that the two most popular combinations share one common approach, namely the adoption of a national regulatory framework. Looking across all combinations proposed, 85% of respondents (n= 33) included this approach, reflecting the popularity of a national regulatory framework. In contrast, 14 respondents had combinations which incorporated the employer registration approach.

A small number of respondents (8) suggested that three approaches be used to address the short comings of the present system. Four opted for a combination of employer registration, adoption of a national regulatory framework and the extension of the rights of adult workers to school students. Table 6.8 summarises the combination choices.

Table 6.8: Combination of approaches

Approaches	No. of proposers (descending order)
enhanced version of the current system + national regulatory framework	13
national regulatory framework + extension of the rights of adult workers to school students	8
enhanced version of the current system + employer registration	4
national regulatory framework + employer registration	4
national regulatory framework + employer registration + extension of the rights of adult workers to school students	4
enhanced version of the current system + national regulatory framework + extension of the rights of adult workers to school students	3
enhanced version of the current system + extension of the rights of adult workers to school students	1
employer registration + extension of the rights of adult workers to school students	1
enhanced version of the current system + national regulatory framework + employer registration	1

Conclusion

There are a number of positive findings that emerge from the survey of local authorities. All of the participating authorities have a child employment registration system in place (administered via a work permit system) and as such are meeting this part of their statutory obligations.

There is evidence that a number of authorities are engaged in producing information for a range of stakeholders and that some are undertaking activities to promote awareness of the regulations. There are a number of examples of innovative activities that could provide examples of good practice for those authorities that have still to engage fully in this part of their role.

However, it must also be noted that in many cases the dissemination activities are 'one off' events which will have limited impact. It could be argued that this may partly explain the relatively low level of work permits. As we have noted there is a very substantial gap between the number of permits issued and the estimated numbers of child employees. This gap is evident across all of the authorities in this project and highlights concerns about the efficacy of the system.

The survey returns suggest that where employers engage with the current system there is some evidence that the system can work. This is reflected in the ability of some local authorities to monitor some aspects of part-time employment e.g. changing hours requiring amendments to existing permits. However, it must be stressed that this happens in a small number of cases and there is a lack of uniformity across authorities.

It is evident that respondents in the local authorities do not believe that the current system is protecting child employees. However, this does not necessarily mean that

respondents are of the view that the 'system' is at fault. Many of the comments regarding the advantages of the present system draw attention to the potential strength of the current system.

A key concern is focused on the administration of the system and in particular the lack of resource and support provided by authorities to this area. It is also apparent that the efficacy of the present system will not be tackled by simply providing more resources. That may be a necessary but not sufficient condition for improvement.

The comments from respondents suggest that the current system is being hampered by other factors such as the quality of the underlying legislation, bylaw variation and the need for a more proactive approach.

Alternative approaches

There is strong support among respondents for the idea of a national regulatory framework. It is evident from the comments made by our sample that they view this as making a positive contribution.

Employer registration, an option that has been raised before by the BRTF (2004), does not have the support of a large number of respondents. This is reflected in its position in the first and second preferences of respondents. Support for this interpretation also comes from the comments made about the disadvantages of this approach.

An enhanced version of the current registration system is preferred by a number of our respondents. However, their comments reveal a sense of pragmatism in questioning whether the necessary resource would be made available. The comments on this approach reinforce those made earlier, namely that resources are only a part of the solution.

While there is some support for the fourth approach, extending the rights of adult employees to child employees, this is less popular than the employer registration approach. It is worth noting that many of the principles inherent in this approach resonate with respondents. This is reflected in the comments made about this approach and the number of respondents who include it as one of their options when discussing combinations of approach.

The survey of local authorities has provided a wide range of information regarding the way that they implement the current registration system. In many cases the information reinforces concerns about the efficacy of the present situation and highlights the need for change.

Chapter 7: Local authorities - In depth case studies

Introduction

The purpose of the local authority in-depth studies was to explore issues which are not easily examined by questionnaire methods. Our aim was to include six authorities in this stage of the project. In practice, it was only possible to include five in the time available. However, we were able to include a variety of authorities in terms of location, size, type and extent of work permits issued.

For the survey, each local authority itself decided who should respond on its behalf. For the in-depth studies we aimed to interview staff with different levels of responsibility: grass roots enactment, management and policy making. Thus our goal was to interview up to three people in each authority.

Methodology

The local authority survey provided the information to allow us to select a sample of authorities to participate in the in-depth part of the project. The criteria used included, type of authority, location and work permit levels. These authorities were invited to nominate interviewees who would be able to discuss policy, practice and resource issues.

Table 7.1: Local Authority sample for in-depth case studies.

Local Authority	Location	Size	Rural/Non-Rural	Work permit level*
A	South	Medium	Non-Rural	Very Low
B	W.Midlands	Medium	Non-Rural	Medium
C	North West	Large	Rural	Medium
D	North East	Small	Non-Rural	Low
E	East	Large	Rural	Very High

*the use of the terms low, medium and high permit levels are relative terms since all authorities have 'low' levels of work permits, see chapter 6.

In two cases authorities put forward one interviewee who was responsible for all three of these areas. In two other authorities we interviewed three members of staff with discrete responsibilities for this area. In the final authority we interviewed three members of staff, however, two had the same level of responsibility. A total of eleven local authority staff were interviewed from five local authorities across England.

Semi-structured interview schedules were constructed for use with the participants. All interviews were transcribed and thematic analysis was carried out. All participating authorities and interviewees were guaranteed anonymity.

There were four ways in which we envisaged the in-depth studies being able significantly to deepen our understanding of child employment regulation. First, we expected to obtain a much more detailed picture of how a local authority operates at the basic level; for example, the actual procedures for the issue of work permits.

Secondly, we hoped to discover where child employment stood in the overall policy of the authority; for example, how prominent issues concerning child employment were in decision making. Thirdly, there was the possibility of different perspectives emerging, depending on the level and type of responsibility of the individuals concerned. Fourthly, the in-depth studies could gather more detailed responses to alternative approaches to regulation.

Findings

It was evident that there was a high degree of overlap between the interviewee comments across all of the authorities. Given this level of agreement we have summarised the dominant themes that emerged from all of the authorities. Where specific points of contrast arise we indicate this.

Purpose and effectiveness of current registration system

When asked what they saw as the prime purpose of child employment regulation, by far the most prominent theme was the protection and safeguarding aspect – the regulations were there to make the experience safe and prevent children from being hurt or exploited. Making sure children were safe in the work place was seen as a higher priority than concerns over any impact on their schooling. It was noted that there needs to be a balance between the two and the potential learning aspect of employment was given some acknowledgement. Top level managers were more likely to express the goals of child employment regulation in terms of employer responsibilities; that is, that the regulations exist to clarify the employer's role so that they know what they can and cannot do with respect to child employees.

However, the belief that the present system actually fails to protect child workers was expressed in different ways, sometimes in strong language. A work permit was referred to as *"piece of paper"* which does not in itself provide protection. Another respondent described the work permit as *"rubbish"* noting particularly that it did not carry a photographic ID. The failures of the system were seen primarily as not protecting children from poor working conditions, rather than avoiding possible damage to schooling. One case mentioned was of a boy working in a fish and chip shop eyeing potatoes, working in a cold environment with running water near exposed electrical wiring, paid with fish. This child was described as having "special needs", an example of the exploitation of a particularly vulnerable child.

Child Employment and Entertainment Officers (CEEOs) also had to deal with employers who might be hostile, regarding their work as the actions of *"busybodies"*. It is for this reason, no doubt, that it is common for them to highlight the need for campaigns to raise public awareness of child employment issues. However, there is also the possibility of hostility, or at best lack of support, within the authority itself. One interviewee commented that a former manager had referred to child employment regulation as *"a waste of time"*. In seeking to maintain resources, those primarily concerned with child employment sometimes had to fall back on the argument that the authority had a "statutory duty" to regulate work by school aged children. There was also the possibility that the personal views of elected members might be unsympathetic. The reaction of one local authority cabinet member was anticipated as likely to be unhelpful. His approach to school attendance regulations

was perceived as being based on his wish to take his children on holiday during term time. As a businessman, his views on child employment might be similarly motivated by personal interest.

Resource issues

It is possible to get an inflated impression of the amount of resources allocated by authorities to child employment. This is because it is common for the grass roots work to be undertaken by Child Employment and Entertainment Officers who, as the job title implies, have responsibility for implementing legislation on children in entertainment as well as legislation on child employment generally. In one authority (Local Authority B), the respondent could not offer an overall estimate of time spent in each area but acknowledged that at certain times of year involvement with entertainment was very heavy. In another case, the respondent referred to being *"swamped"* by entertainment issues as certain times of the year, such as the panto season. One CEEO (Local Authority C) estimated that currently 80 per cent of their time is devoted to entertainment, whereas when first appointed a few years previously it had been only around twenty per cent. This arose partly from a general increase in children's involvement in this sort of activity but they also noted that this work was more personally fulfilling for a CEEO, because the results were often clearly visible, in the appointment of chaperones for example, whereas for other sorts of employment it was merely a question of issuing a piece of paper. Furthermore, parents of children in entertainment are more "vocal" as another respondent pointed out (Local Authority A).

In one local authority (Local Authority B), a new on-line system for registering was about to be introduced when interviewing took place (however, in another authority a similar proposal had been turned down as too costly.) Although, there is no evidence yet of its effectiveness and the introduction may be delayed because of financial constraints, it is worth noting some features of the scheme as planned. An employer would have to register with the authority in order to use the scheme. New employers would be issued with key information and be expected to sign up to a code of practice. Once registered, an employer would have a password allowing entry to the system to apply for a permit for a new child employee. Within the council, it would be easy for the child's details to be checked against school attendance and problems to be flagged up . This would thus have some of the character of an "employer registration" approach to regulation but would be carried out within existing legislation, in particular retaining the need for the individual child to obtain local authority permission to work.

It was suggested that effectiveness in practice was most likely to be achieved if child employment was the sole or main responsibility of the individual concerned. In some authorities child employment is a "bolt-on" to other functions.

Policy, practice and awareness

Those dealing with child employment on a day by day basis may find themselves in different working environments. For example, in Local Authority C they are part of an Independent Safeguarding Unit, whilst in Local Authority E they are situated in the Educational Welfare Office. This is evidence of a lack of a coherent national

approach to the issue. Also relevant is the fact that it has been possible for an authority not to have a policy on child employment. A respondent in Local Authority D had sought to overcome this shortly before our visit by presenting a report to the leadership team. This resulted in a draft document which will be put out for consultation. This is an example of change being driven from the bottom up rather from the leadership of the authority noting a gap or a need.

Lack of policy may also lie behind the fact that CEEOs may be operating without targets or benchmarks. They have to fall back on the knowledge acquired from peers. This may be dispiriting, since it is widely understood in their professional circles that only a small percentage of working children are generally known to the responsible officials. Another circumstance which can affect the morale of officials is a council's failure to update byelaws. *"I cannot enforce the byelaws because they are out of date"* was one complaint (Local Authority A). Outdated byelaws were seen as the equivalent of not having any byelaws.

In some cases, the problem is seen not as outdated byelaws but that the national guidelines for byelaws seem unreasonable and unsuited to modern living. As one respondent put it, limiting Sunday work was understandable when "*nobody worked on a Sunday in the 1930s*" (Local Authority A) but severe restraint on Sunday working seems inappropriate today, when lifestyles have changed.

Despite the fact that much child employment at present is unauthorised and hence illegal, prosecutions are infrequent. An interviewee in Local Authority B described the situation thus:

> *"We've just prosecuted one last month for four offences under Section 559 of the Education Act. And I think we've prosecuted four of late… We don't just go and prosecute. We try and work with them to give them the opportunity to do what they need to do. But quite often they don't want to do that…"*

This information was balanced by a statement that they had good relations with the Chamber of Commerce.

Lack of awareness of child employment as an issue may express itself in different ways. One respondent (Local Authority A) reported that telephone enquiries frequently came to him after three or four links where officers said *"nothing to do with me"*. This was seen as a switchboard problem, in that the key word "licensing" was not interpreted as related to child employment.

One issue relevant to the recurring claim that resources are inadequate is the extent to which CEEOs can cooperate with other departments and agencies. In one (Local Authority C), we were informed that there was regular contact with Environmental Health officials, who operated within a different tier of local authority. This was helpful in several ways, in particular having information on child employment regulations distributed by these officials. This can be an important way of making meaningful contacts. In the same authority a few years earlier a mail slot of 22,000 letters had failed to produce any results. In contrast, when child employment information was sent out with a regular quarterly communication from licensing officers to licensees, a small but significant response was obtained. This may be an

example of how experience of "good practice" needs to be built up and made available nationally.

Some respondents gave a clear impression of trying hard to achieve greater awareness with limited resources. *"We are very good at doing things with nothing"* (Local Authority A). This may involve relying on the involvement of the council's publicity department or making material available to Education Welfare Officers on PowerPoint for use in schools.

Given the potential role of the school as a channel for increasing awareness, it should be noted that the extent of involvement with schools varies from authority to authority. Traditionally, applications for work permits generally required an endorsement from the school, but this is no longer the case universally (e.g. Local Authority E). As well as contributing to the general lack of awareness, this means that the school is less likely to be aware of employment as a possible source of an educational problem.

Alternative approaches

As we have indicated the in-depth case studies provided an opportunity to explore the views of a range of local authority staff regarding the alternative approaches to registration. In discussing alternative approaches with participants particular attention was paid to considering resource implications.

There was a high degree of consistency in the comments on alternative approaches across and within authorities in this part of the project. The views expressed by frontline staff are similar to those already discussed and outlined in the previous chapter. In this section we focus on the views of senior staff as their voices have not been heard prior to this.

Enhanced version of current regulatory system

All the senior staff interviewees acknowledged the potential value of an enhanced version of the current system. However, they could not envisage resources being made available to support this approach. Some respondents noted that resources are not the only issue that had to be given attention to improve the efficacy of the current registration system. The underlying legislation is also considered to be problematic.

National regulatory framework

The option of a national regulatory framework was viewed positively by senior staff. Participants expressed their concern about the variability between authorities in terms of the resources currently committed to this area and the variation in byelaws. Variation in the latter is viewed as a "recipe for confusion" and can bring the system into "disrepute".

The loss of autonomy for local authorities was not considered to be a major concern, especially when the benefit of this approach would be consistency. Other advantages are noted such as improved clarity for employers, employees and their

parents. In addition it was suggested that having a national framework would improve the efficiency when the framework was updated. There would be no need under this approach to change multiple sets of byelaws.

Employer registration

The employer registration appealed to some respondents because it would encourage inspection. Some respondents note that this was not really happening at present. However, the general pattern of responses was not supportive of this approach. Key concerns were that employers would not engage with this system, the individual child would be lost in this system, it would result in the loss of job opportunities and the scale of the inspection task would be too great to handle. In the view of respondents there is little support for the argument that this approach will be more effective than the current system.

Extending adult employment rights to young workers

Comments on the final approach, extending workers rights to child employees, are largely concerned with its impact. In the view of respondents it would more than likely lead to a reduction in employment opportunities. The limited range of comments on this approach may be related to the lack of detail provided.

Resource implications of current registration system compared with employer registration

It has been argued by some that moving to an employer registration approach would result in resource savings. Interviewees were asked to consider the resource implications of the current registration system and that of an approach based on employer registration. Would the move to an employer registration system be more effective in resource terms?

Some respondents indicated that there may be savings under an employer registration system. This was usually linked to stopping the issuing of work permits. In some cases employers would be employing more than one child and resources would be saved by one inspection, compared to the issuing of multiple permits.

However, the general consensus from senior staff was that there would be no major resource saving if local authorities moved to an employer registration system. This was largely attributable to the fact that they thought an employer registration system would require an inspection system. Introducing an effective inspection system of this sort would require resources. Senior staff thought that an effective inspectorate would be necessary otherwise employers would calculate the likelihood of being caught. If this is perceived to be slight then there would be no significant improvement over the current system.

For some interviewees it was clear that their existing resource base would need to be used differently under an employer registration system (e.g. out of hours work) and that would involve transitional costs e.g. training staff for a new role. However, additional resource over and above the transitional costs would also be needed to allow for the amount of staff time needed to support an inspection system.

The form of employer registration system will impact on the resource levels needed. Based on current assumptions about such an approach senior staff did not see any major resource saving emerging from a potential change of approaches to registration. In many cases interviewees thought that an employer registration approach might demand more resource.

Conclusion

Three clear threads run through the comments of those interviewed in these studies, resources, policy and awareness. Lack of resources is an almost inevitable conclusion if one takes account not only of the low percentage of working children who have work permits, but also the lack of follow-up to ensure that appropriate conditions of work are actually being enforced. Although the interviews took place at a period of severe financial constraint for local authorities, this cannot be regarded as explaining the resource problem, since it appears to have existed for some time. The current financial circumstances simply serve to increase pessimism about the prospect for improvement. It was also evident that our interviewees did not think that an alternative approach, such as employer registration, would result in reduced demand on resources.

In some cases, it would appear that an authority has in effect had no policy on child employment. The area often appears to be peripheral to senior officials' concerns. Policies seem to develop to a large extent through pressure from those engaged with child employment issues at a grassroots level. They face complicated procedures to have a policy confirmed and do not always feel that they have the support of senior management.

The issue of awareness has many facets. Not only is awareness low amongst some staff of the local authority, but it is a crucial problem when one considers employers, school students, their teachers and their parents. Although some employers appear to resent regulation of child employment as 'red tape', it seems clear to most of the officials that ignorance of the law and of procedures is also a major problem.

There seems to be widespread acceptance of the idea that steps need to be taken to increase awareness. This is sometimes expressed in terms of what practical steps might be taken to increase awareness locally by publicity campaigns. However, there is also another level at which this problem is addressed. The system of local byelaws, as opposed to a national set of regulations is seen as unhelpful. The production of such a programme with updated regulations on topics such as Sunday working might have a substantial impact on the extent of awareness and hence of compliance.

Chapter 8. School students' views on regulation

Introduction

Children generally have few opportunities to express their views about part-time employment. Accordingly, if their beliefs and opinions are to be discovered, careful interviewing or group techniques need to be employed. Previous research has indicated that interviews and focus groups can, if appropriately prepared, be informative (see, for example, Hobbs, Anderson and McKechnie, 2009; Hobbs, Stack, McKechnie and Smillie, 2007, for interviews; and Howieson, McKechnie and Semple, 2006 for focus groups). However, it should be noted that in these cases the emphasis was on the young workers' direct experience of employment. To explore their stance on the regulation of such employment presents greater challenges, since awareness of the regulations and their implementation may be limited.

Methodology

The aim of the focus groups in this study was to obtain evidence of the views of young people of school age on issues concerning the regulation of child employment. Participants were obtained in the following way. Students in years 9 to 11 of two schools were surveyed (n= 809). A total of 368 (45.5%) had experience of paid employment. Students with experience of paid employment were then invited to participate in focus groups. The intention was to include students who had worked in the types of jobs typically undertaken by school students of this age. Actual final membership was dependent on willingness to participate and parental permission.

Table 8.1 Focus group participants: n=20

Age	Male	Female	Total
13 years	3	0	3
14 years	3	6	9
15 years	4	4	8

Table 8.2 Experience of working: n=19*

Delivery	9
Retail	4
Hotel and Catering	5
Other	1

*One not stated; some participants had earlier experience in an employment sector different from their current job.

The survey also contained a set of questions aimed at eliciting opinions about child employment and its regulation. Analysis of the responses after the focus groups had met allowed us to explore the extent to which views expressed by participants in the focus groups corresponded to those of their peers generally.

The focus groups were designed to encourage thought and expression of ideas. The time was split between discussion, which was recorded, and the filling in by each member of the group of a workbook. The recordings and the workbooks together provided the basis for subsequent analysis and interpretation. We focus on two aspects of the data from the focus groups, the reasons for working and their views

on regulation. It should be noted that the school students were not asked to discuss each of the alternative approaches to registration.

Findings

Reasons for working

The early discussion was intended primarily as "icebreaking". It focused on work generally: Why do some young people work and some not do so? What are the disadvantages and advantages of working while still at school? Although not directly concerned with regulation, some of the points emerging are relevant to regulation issues.

The most commonly expressed reason for working was the financial reward. In discussion, the first motive given for working was invariably "*money*". In workbooks, it was generally said that young people work "*because they need the money*". Discussing why some people do not have part-time jobs, one explanation offered was "*You don't get paid enough sometimes*". This does not necessarily imply a mercenary or instrumental approach to work. Payment received is probably the most readily available idea, when the positive features of employment are sought. Furthermore, the money obtained may be seen as a contribution to the family: "*Because they don't want to keep asking their mums and dads to buy them stuff".* The personal meaning of money is also noted: "*to save for the future*", *"it gives you freedom".*

Another frequently occurring concept is "*experience*" which is employed in different ways. It may refer to specific skills, to social learning or to developing an understanding of the world of work. For example, one participant working in a hotel said "*It's really good… getting used to talking to new people and handling yourself in different situations…"* another said "*You're more confident to go and see people…*" another wrote "*preparing you for later life".* It may be seen as a preparation for adult working life or, more narrowly conceived, as "*something for your CV*". A broader view was implicit in phrases such as "*work ethic*" and statements such as "*it proves youth can also give back to society*".

Regulation

In general the members of the focus groups recognised the need for child employment to be regulated. "*You should be allowed to work as much as you like*" was a rare, isolated point of view. When asked directly to consider the reason for the regulation of child employment, some of the answers are vague, for example "*protection*", "*safety*" and "*child labour*". It is not always clear what is referred to, although "*tiredness*" is one example that has more direct meaning. For example, in the focus groups young people indicated that they felt the need to be protected from being 'overworked'. "*Insurance*" is another, perhaps referring to insurance against accidents. However, other phrases employed are clearer.

There are several references to restricting hours and others to reasons for restricting working hours, namely to allow time for "*homework" , "leisure", "socialising" and "exercise*". One student referred to the "*balance between work, school, exercise and*

social life".

Despite the acceptance of a need for protection, there is also the view that a job may be advantageous because there may be some risks involved: "*I think we should still be able to work because then we've got experience of not just being in a completely safe environment… I think that a really important thing about work is that we're not in school… we're not being protected as much by teachers…".*

There is also awareness among students that employers cannot necessarily be assumed to have the child's welfare at heart. This is shown in their references to *"dodgy employers" "funny employers"* and *"abuse".* Some employers were seen as paying low wages because *"they know they can get away with it because you're young".*

One particularly significant category of response consisted of references to "*pay*", specifically "*fair pay*". Almost half of the participants (9) noted this in their workbooks and it was widely referred to in the open discussion. Comparing themselves to other part-time workers they make comments such as "*We're doing the same job just for less pay basically*". One goal for regulation was to ensure "*equal pay for the same job*". Note that this is something which current UK legislation does not actually cover although the EU Directive 33/94 makes reference to preventing economic exploitation.

We attempted to assess the extent of knowledge of current regulations by questions on topics such as the permitted hours of work. In some cases, there were "errors" in both directions, i.e. some too strict, some too lax. Nine participants overestimated the working hours permitted in a school week, although a few underestimated. Morning starts were sometimes too early and sometimes too late, compared to the legislation. These findings suggest that there are variations in students' knowledge and suggest that there is no consensus on these issues.

However, the most interesting responses were where all the "errors" were in the same direction, for example where participants believed that the restrictions were less tight than they actually were. In the workbooks, ten participants overestimated the hours permitted on a school day. Eight participants overestimated the working hours permitted on Sunday (in some cases. substantially). Five participants gave a time later than 7.00pm for ending evening work. That these may be interpreted as implicitly critical of current standards, in so far as they tell what the group members thought the standard should be, is confirmed by statements made in discussion. A common objection was to the limitation on Sunday working to two hours. This was referred to as "*old-fashioned"* and attributed to a religious view of Sunday which is not held by the whole community. The 7.00 p.m. deadline for working was acknowledged as being related to the need for rest prior to school the next day. However, the question was raised in one group "*What about Friday?*", since there is no school on Saturday. One objection to the 7.00 p.m. deadline was the fact that it differentiated the young worker from older colleagues: One student said "*I think it is a bit unfair if everybody else is staying there to eight o'clock and then you get kicked out at seven… that excludes you a bit*". This was met by several colleagues in the group saying *"Yeah".*

Regulations on serving alcohol were criticised as leading to unreasonable situations: "*If you are asked for four Cokes and a pint of beer, you're not just going to give them the Cokes are you and wait for someone else to…*"

It is difficult to draw firm conclusions about the view of group members on the specifics of regulation. They tend to see employment as a matter for employer and employee. Employers were criticised for being selective in their attention to the law: "*The regulations my work pick upon on, like the hours I can work, are okay but then they don't pick up on work permits or training… I would like to be trained".* As with earlier references to pay, a requirement for training is an example of an area where regulation, currently missing, might be welcomed.

The participants do not seem to have a clear notion of the role of other parties as "stakeholders". They understand that schools have an interest in ensuring that work does not interfere with education, although in one group a debate arose as to whether employment was something on which the school should "*have any say*". Nevertheless, schools were generally seen as having a potentially greater role than at present in publicising work permits and other aspects of the regulations. Group members also recognised the concerns of parents. Their picture of the role of government, either local or national, also lacks clarity. It was suggested that information on child employment regulations be made more readily available. This notion of availability relates in part to awareness: students felt they should be made aware of this issue and the procedures.

Answers to "opinion" items in the survey suggest that there are broad areas of agreement between the focus group participants and their peers (see Appendix 3). On pay, it was found that there was strong support for a minimum wages for under sixteens, 67 per cent either agreeing or strongly agreeing. On the limitations to working hours, 60 per cent favoured the current embargo on work earlier than 7.00 a.m. However, only 40 per cent agreed with the restriction on working after 7.00 p.m. and more opposed the 2 hour limit on Sunday working than supported it (41 per cent against and 32 per cent in favour).

A further point to be noted from the questionnaire responses is that differences of opinion between those who have experience of working and those who have never worked are small. Over 90 per cent of those who have never worked approved of under sixteen year olds working, suggesting that not working has not been a matter of principle*.*

Conclusions

As we noted at the start of this chapter young people have had few opportunities to comment or discuss part-time employment. The focus group structure was successful in providing a framework for the participants to express and develop their ideas about this issue.

The majority of the students in these groups were supportive of the need for a regulatory system. This was largely viewed as a mechanism to protect them from exploitation and to ensure that the hours they worked were not excessive. However, it is clear that aspects of the current regulatory system were not viewed positively.

For example, students criticised the current regulations on working hours, particularly with respect to Sundays.

It was also evident that the students had concerns regarding pay. The issue of equality of treatment was at the heart of this. Many of the students work alongside others who they perceive as doing the same job as them, but because of their age are paid more. The lack of any regulation on pay rates for those under sixteen was an area of concern for the focus group participants.

The issue of awareness of regulations was raised in the group discussions. Students indicated that they could be better informed about the current regulations and that this information should be readily available. They suggested that schools were in a good position to disseminate this type of information and to highlight its importance to young people.

9. The employers' perspective

Introduction

As well as consulting national employers organisations as part of the initial interviews with stakeholders already reported, we carried out a programme of interviews with a range of employers with relevant experience. This approach enabled us to gain insights into the practices and opinions of employers, including small and medium sized companies, in relation to the regulation of the employment of school children.

Methodology

The aim was to interview employers across the main sectors in which school pupils work, allowing them to respond to questions on the current regulatory system, and possible changes to it, from their actual experience of employing school children. Two methods were used to identify such employers. Some were names provided by Child Employment and Entertainment Officers. Other names were obtained informally. The former group was obviously more likely to include people and organisations working largely in conformity with current legislation.

Persuading employers, especially smaller ones, to take part in research is often a challenge and in this case was particularly so since the interviews included potentially sensitive questions relating to the employer's compliance with the legislation governing the employment of school children. We assured employers of confidentiality and anonymity to encourage them to participate and to answer honestly if their child employees held the legally required work permits. Despite such assurances 17 employers refused to take part, denying they had, or had ever, employed school pupils. These were all firms for which we had recent information suggesting that they did actually have such employees. Most of the 17 companies were in retail (11 retail, two in delivery and four in catering) and this accounts for the relatively low number of retail employers in our sample. A total of 57 employers were contacted to achieve the 25 employers who agreed to participate in the interviews; this required 85 telephone calls in all.

An initial telephone call was made to employers to explain the research and to arrange a suitable interview time and a briefing note was emailed to those employers who wished it. Most of the interviews were scheduled for a later date but some were conducted at the initial call. The latter approach became increasingly important since the telephone interviews took place from mid-November to early December, a time of increasing pressure in the run up to Christmas for retail and catering establishments. The interviews were conducted using an interview schedule and generally lasted around 15-20 minutes (see Appendix 4). Full notes of the interviews were taken at the time, checked with the employer and written up fully immediately after.

As we have previously noted participants in this study differentiate between the legislation and the registration process. The employers followed this pattern and we draw the distinction between their comments on:

- the *regulations* for child employment, i.e. the number of hours that can be worked, when these hours can be done and what tasks can be undertaken

- the *regulatory framework* ,i.e. the work permit system which aims to ensure compliance with the regulations

Details of the employer sample

As noted above, a total of 25 employers were interviewed by telephone. The majority were located in one local authority area, while others were spread around the country, giving a variety of environments and local contexts. The interviews covered employers in three main sectors in which child employment occurs - catering and hospitality, delivery and retail - with one hairdressing employer also included. Table 9.1 gives details of the type of business in each main sector, the number of interviews carried out in each, and the size of the employers concerned. It illustrates that the large majority of employers (88%) are small companies with 50 employees or under; and 40% have fewer than 10 staff. In subsequent analyses, the hairdressing employer is included in the group of retail employers. Overall, the sample of employers covers the sectors relevant to child employment.

Table 9.1: Employers interviewed by sector and size

	Number Interviewed	*Of whom: under 10 employees*	*10-50 employees*	*51-100 employees*	*500+ employees*
Catering Hotel (5) Restaurant (3) Fish & chip (1)	9	2	7	-	-
Delivery: Newsagent (8) Newspaper (1)	9	4	4	-	1
Retail: National chain stores (2) Confectioners (2) Tobacconist (1) Butcher (1)	6	3	1	1	(1*)
Hairdressing	1	1			
Total	25	10	12	1	2

NB: Figures include both full-time and part-time staff
* this interview was with the head office of a chain of department stores
that employs more than 500 staff across the UK

All the employers interviewed had experience of employing children, while a large majority were currently doing so (22 of the 25, 88%). Most of the employers interviewed were able to give figures of the number of children they currently employed; this came to a total of 89 children (table 9.2). The two larger companies were unable to be specific about the number of their child employees. Eleven employers were employing one or two children, four had between three and five child employees while five employers, all in the delivery sector, employed six or more (with the maximum reported number of child employees for this group being 22).

Table 9 2: Number of children employed by those interviewed

Sector	Number of children employed
Catering	13
Delivery	69
Retail	7
Total*	89

* does not include numbers for the two large companies who were unable to give the number of their current child employees.

It was also important to ensure that the sample of employers included both those compliant with the regulatory framework and others who were not (table 3). (The two employers not currently employing children provided information on compliance in the past.) From what is known about the low levels of permit holding among child employees, it appears that our sample is biased positively towards employers who are observing the regulatory framework.

Table 9.3: Employers' compliance with the regulatory framework

Sector	Number	Employers stating that child employees have permits	Employers stating that child employees don't have permits	Employers stating that only some child employees have permits
Catering	9	4	4	1
Delivery	9	6	2	1
Retail *	7	4	3	-
Total	25	14	9	2

* includes hairdressing

We discuss employers' compliance and work permits further later in this chapter.

Child employment: current practice

The recruitment of child employees

Employers were asked how they went about recruiting young people under 16 years of age and the reasons for employing this group of worker. In seven interviews where employers were short of time, these two questions were omitted (Delivery 4, Catering 1, Retail/Hairdressing 2)

Table 9.4: How employers recruited child employees

Method of recruitment	Number of employers*
You advertise specifically for young workers	4
General advert that young workers answered	1
Young people approach <u>you</u>	14
By word of mouth, e.g. family, friends, current workers	10
Via schools	-
Via Careers or Connexions Centre	-
Other (please say what)	1

* employers might use more than one method

It can be seen that *young people approaching the employer* and *word of mouth* were by far the main means of recruitment (table 4). It was noted that these approaches were effective in recruiting youngsters in the area and therefore close to the employer. Several employers noted later in discussion that they saw employing local children as one part of their service to the community and a way of linking themselves more closely to the area and its customers. They also thought that local youngsters would find it much easier to get to and from work and therefore would be more reliable employees. One employer used a local job agency to look for child employees, another found employees from pupils sent on work experience.

It seems that the flexibility of child employees is a key reason for their employment (table 9.5).

Table 9.5: Reasons for employing under 16 year olds

Reasons	Number of employers*
Flexible	9
Suited to the job	3
No adult applied	2
Cheap	2
Easily handled/managed	-
Other	9

* employers could give more than one reason

Employers in the catering sector were most likely to give *'flexibility'* as a key reason:

> "*the time they can work suits us, especially the main busy times like holidays, weekends and Christmas, they can be handy for a couple of hours.*"

A related reason noted by others was that child employees could replace full-time staff who wished to have weekends off. Some employers mentioned the personal qualities of these young employees who they thought were "*usually keen*" while others looked long-term: "*they are incredibly loyal, can stay right through to college or university.*" Another reason given - particularly pertinent to any changes to the current regulatory system - is that taking on a child employee required less paperwork than recruiting an adult. For a number of employers the decision to employ children had not required much thought, it was a historical practice

commonplace in the sector: "*I inherited the practice from the previous owner*". A small number of employers felt that part of their motivation for employing children was to give them a good understanding of the needs of the working world: and for two employers in catering/hospitality it was about an introduction to the sector.

Employers therefore had a range of reasons for recruiting children and it is notable that cost was not an important factor. It is evident that the most common reason for employing children was their flexibility, an issue that arises again later in this chapter when we consider the impact of the current regulations on children's employment and on the very element that makes them attractive to many employers: their flexibility.

Employers' awareness of current regulatory system

Employers were asked:

"How much do you know about the current system for regulating the employment of child employees?"

Although this question concerns the regulatory framework, employers in the retail and catering sectors were more likely to answer instead in relation to the regulations (that is, the number of hours that could be worked, and when those could be done). In contrast, employers in the delivery sector were more aware of the regulatory framework, i.e., the work permit system (table 9.6). This awareness may partly reflect the high level of activity of the National Federation of Retail Newsagents in advising its members on child employment issues.

Table 9.6 Employers' awareness of the current regulatory system

	Catering (n=9)	*Delivery* (n=9)	*Retail* (n=7)	*Total* (n=25)
There's a work permit	4	8	3	15
Limits on hours	7	6	5	18
Limits on when hours can be worked	7	1	1	9
Nothing/not sure	2	1	3	6

Some employers were very clear about the regulations and the regulatory framework:

"I believe it's only certain hours can be worked, the employer needs to have a pamphlet filled in by the youngster, it goes back to the employer who sends it on to the local council."

The majority were aware of one or more elements of the regulations and/or the regulatory framework.

Employers' compliance with the regulations

As we have noted above, in the case of 14 employers, their child employees had the required work permits while those employed by nine did not. For another two employers, some of their child employees had permits while others did not. This seemed to be a result of the employer being reactive rather than proactive:

"Some do, some don't, it depends if the kids bring in the forms themselves. Sometimes it's the parents push it. If the local council followed up I would make sure they all had one."

Of the nine employers whose child employees did not have permits, four said they did not know about the regulations while the other five thought them unduly burdensome involving too much paper work or being overly complicated or inflexible:

"There's no point, I'd have to give the exact hours they'd be working and they need to be flexible to suit what the business needs, that's the value of youngsters…"

and

"It's too bureaucratic, leave it up to parents and employers to be sensible.."

Moreover, as one employer assumed:

"No, I don't think it really matters, there's no punishment if you don't have one, is there?"

Nevertheless, it is notable that the majority of those whose child employees did not have a permit did think that some form of regulation was important:

"It's important young employees are not asked to work when they don't want to, because of school commitments, family, exams, feeling tired"

But there was some difference of opinion about where responsibility for ensuring the regulation of children's work should lie with a minority of all employers arguing that the responsibility should be left with parents and employers:

"It's important to protect youngsters from some environments, but it's parents who should know, not the local council. There should be some contractual arrangement that requires the parents' consent."

Overall, the large majority of employers interviewed, both those whose child employees had permits and those who had not, acknowledged the need for some sort of regulation, the issue was the nature of the regulation.

Employers' contacts with the local authority

Under the current arrangements local authorities are responsible for ensuring that pupils under 16 years old are working in a way that complies with the legislation and, in order to do this, have set up registration systems, usually via work permits. Employers are required to notify the local authority that they are employing someone under 16 years of age. Thus it would be expected that employers who recruit under 16s would have some level of contact with their local authority and this was explored in the interviews.

Employers were asked if the local authority was routinely in contact with them regarding child employment but very few had had such a contact, only two

responded yes to this question (Table 9.7). In the two cases where there had been contact, one was in relation to bicycle safety (for delivery) and the other had been a routine health and safety check every five or six years to ensure the child employees present matched the forms. The 'don't know' response came from the head office of the retail company where details of contact at local level were not known.

Table 9.7 Employers and local authority contacts

	Yes	No	Sometimes	Don't know
Is the LA routinely in contact regarding child employment?	2	22	-	1
Has the LA recently provided information on child employment?	5	19	-	1
Have they sought clarification on the regulations from the LA?	3	19	-	-
Have they routinely informed the LA when a child is employed?	10	13	1	1

Only a small minority of employers – five in total - had recently received information on child employment from their local authority; such information was commonly in the form of leaflets or a list of laws. One noted using the local authority's website for information. For their part, few employers reported seeking clarification on the regulations from the local authority, only three had done so. Two fifths of employers stated that they routinely informed the local authority when they employed a child (10 out of 25). In answering this question, these employers assumed they had done that by ensuring a work permit was in place or had been requested. Although half of the employers interviewed had taken part in work experience programmes, this had been the result of direct contact from schools rather than with the local authority. It might be noted that in four cases there had been some form of vetting or screening of the employer by the school or, in one case, by an agency employed by the school concerned.

Overall, it seems that contacts about child employment between the employers in our survey and their local authorities were limited. What was evident is that employers used other sources of information and advice including the company accountant (three employers), the Business Links Gateway and the ACAS website. Several employers in the delivery sector noted that the National Federation of Retail Newsagents was a major source of information on child employment.

Employers' views on approaches to regulation

The second part of the interviews with employers focused on their views on the current system of regulation and their reaction to the possible alternative approaches outlined in chapter 2. The main difference is that for the purposes of the employer interviews, it was decided it would not be useful to ask them about one of the alternative approaches that is the introduction of a national regulatory framework, since it seemed unlikely that employers would make a clear distinction between national regulations and nationally sanctioned local byelaws.

Employers' views of the present system

The fourteen employers whose child employees had permits (i.e. those who were operating the current system) were asked about their views of it. Overall these employers were critical of the current system but opinion varied across the sectors (Figure 9.1)

Figure 9.1: Employer's views on the current system

	All employers	Catering	Delivery	Retail
General opinion	*Mixed*	*Majority negative*	*Majority positive*	*Majority negative*

A majority of delivery employers spoke positively about it while those in catering and retail were more negative. But even in the delivery sector the issue of the inflexibility of the regulations was raised:

"Age 13 is too strict, the 7am start is too strict as the school bus leaves at 7.25."

Employers in the catering sector focused on the perceived need to modernise the hours. While one was positive about the system another three criticised the number and timing of the hours that could be worked:

"It's crazy that youngsters are allowed to start at 7am in an unsupervised paper delivery away from the employers' premises while we can't keep a kid beyond 7pm till 9pm when we are supervising them"

Retail employers had little positive to say about the current system:

"It's quite loose, needs following up more, I could have had youngsters without permits, no-one checks"

And

"We don't have many child employees because of the restrictions on when they can work..."

In general, the current system was not highly endorsed by the employers. They were then asked to comment on possible alternative approaches.

Alternative approach 1: the local authority should devote more resources to ensuring compliance

Employers were asked to respond to the idea of maintaining the current system but making it work more effectively and increasing compliance by ensuring the local authority put more resources into publicising and monitoring the regulations and the regulatory framework. Employers overall held mixed views on this with just over half responding positively to this approach. Delivery employers - currently those most likely to make use of the work permit system - were generally positive about this as might be expected; for them, the system was already working. Six of the nine

employers in delivery were in favour of this approach:

"It's a good idea for those not complying with the laws, I expect probably a lot of youngsters are working long hours, being exploited."

The remaining three felt it was unnecessary or a waste of money: they were already complying with the law. Catering employers were divided on this proposal with four responding positively and five being negative. Those who were positive saw it as useful for other employers than themselves who were not complying at present:

"Good idea, clearly people are taking kids on without a permit."

"Yes, more campaigns are needed, they need to speak to the industry. But if it seems too much paper work it will back fire."

This issue of paperwork was also raised by the five Catering employers who were generally negative about this approach. As we have pointed out, employers frequently responded in terms of the regulations themselves rather than the regulatory framework as is illustrated by this catering employer whose negative response was related to the limitations in hours:

"No, need to make it less rather than more complicated, make it a maximum number of hours in a week."

Retail employers were also mixed in their views. Three were generally positive, though one thought it unlikely to be implemented:

 "Yes, good idea to make it work, but don't see it happening in the current financial climate."

Two retailers considered the change a waste of money, while two were unsure why this was needed:

 "Don't waste the money, if it's gone on so long without working properly there can't be a problem, put the money back in to the country, there are more important things."

We then asked employers what impact such a change would have on them or on their business. A majority (15) felt it would make no difference to their company; six expected a negative impact such as increased paperwork; two felt it would have a positive impact, making them comply with the system and tidying up their procedures with respect to employing young people; two had no idea about impact.

In considering any changes to the current regulatory framework, a key issue that needs to be considered is the effect of such a change on the likelihood of the employer taking on child employees. Employers were therefore asked whether this approach, if adopted and enforced, would influence their employment of young people under 16 yrs of age. Overall, the effect on the employment of school children was expected to be minimal: eighteen employers anticipated that it would not lead to any reduction in their employment of this group of workers. Responses varied across

the sectors following the same pattern as before with employers in the delivery sector being most positive, those in catering most negative and retail employers somewhere in between. Delivery employers largely anticipated no change in their recruitment if the current system were made to work more effectively (7 employers); one, a previously non-compliant employer, was positive believing that being clear on what was required would make him more confident in employing children and one didn't know. None expected a negative effect on recruitment. Catering employers were more mixed in their views with five expecting no change in recruitment, and four expecting a negative effect. It should be noted that Catering employers were amongst the least compliant with the current legislation which may well help to explain their response. Five retail employers expected no change, with two expecting that it would reduce the likelihood that they would employ school children.

Overall, just over half the employers in this survey were positive about an approach which would focus on making the current system more effective (see Figure 9.2). A substantial majority (20) expected no impact or even a positive impact on their company if this approach were to be taken. Most also anticipated no change; in one case, an increase in their recruitment of child employees; if local authorities were to devote more resources to improving the current system.

Figure 9.2 : Employer's views on the LA enhancing the current system

	All employers	Catering	Delivery	Retail
General opinion	*Mixed*	*Mixed*	*Majority positive*	*Mixed*
Likely impact on business	*Mainly little impact*	*Little impact*	*Little impact*	*Mixed*
Likely effect on employment of under16s	*Little change*	*Mixed*	*No change*	*Little change*

Alternative approach 2: introduce an employers' registration system

Employers were asked their opinion of an employer registration system to replace the current arrangements. This was explained as a system whereby employers applied to be registered as suitable to employ children following appropriate checks and the employer would then be able to recruit as required while keeping records that could be checked on subsequent monitoring visits. Most employers assumed in their responses that this would be a 'one-off' registration system though, as will be seen later, there were also concerns about whether this would actually prove to be the case in practice. This approach to regulating child employment was a new idea to employers and they had a number of questions about how this would work, which qualified their responses.

Overall, employers were positive about the idea of an employer registration system (14) or felt it would be neither better nor worse than the present system (5) (see Figure 9.3). Six employers were negative. However, the positive responses were generally qualified by queries or concerns relating to cost and simplicity of the system:

"Sounds great in theory, but would there be a lot of paperwork?"

And

"It's all very well, they might say it was free in the beginning, but I know local authorities, they bring these things in, it's one-off, but later it's 'Oh, you need to re-register or update AND THERE WILL BE A CHARGE!' I've seen it happen before…"

The responses of delivery employers were generally positive but were nuanced, partly reflecting the fact that they were largely operating and satisfied with the current system. Three considered an employers' registration scheme an improvement to the current system, one saw it as of equal value while three would be happy with this system but would prefer to retain the current approach which, for them, was working well. One, for example, was concerned about the lack of monitoring of the needs of the individual child employee:

"I like the work permit system, it's useful if the child has a school problem. I'd be a bit worried about this change, there would be no check on the individual child and possible problems."

However, as noted above, other employers had commented on the lack of monitoring of the individual child employee in practice in the current system.
For the two delivery employers who were negative about the employer registration system, one was opposed in principle while the other was more focused on practical aspects:

"This smacks of vetting and barring which I am completely opposed to."

And

"… part time workers keep changing so it's unlikely the records would match up."

Most of the catering employers were positive about the system (five) although several expressed reservations,

"Makes sense, only one batch of admin, you're accredited, done and dusted."

And

"Good idea as long as no fee"

But three employers in the catering sector were negative, opposing the idea of any regulation of children's employment while another felt unable to give an opinion of this approach. Retail employers were similar in their responses to the catering employers. Four were positive and one neutral, but again with some qualifications and questions:

"Absolutely superb, just what's needed, much more streamlined."

And

"Sounds great in theory, but would there be a lot of paperwork?"

Two retailers were negative in their view of an employer registration system. But it was apparent in the interviews that some of these negative responses to the idea of an employers' registration scheme were not really about this approach as such but against the general principle of regulation. Such responses were sometimes related to the view that parents and employers should be left to make 'sensible' decisions about the employment of the children concerned without interference from government:

"Kids will speak to their parents if they are unhappy, leave it up to parents to monitor it."

In response to the question about the possible impact of an employer registration system on their business, there were no differences across the three employer sectors. Overall, most employers thought that an employer registration system would either not have any effect or, in fact, have a beneficial one (14 and three employers respectively). Seven saw some form of negative impact - commonly increased paperwork - while one was unsure. But even amongst those who anticipated no effect on themselves, the cost and complexity of the system were possible issues:

"There would be no impact unless I had to pay to register"

And

"No great impact if kept simple"

Employers were asked whether the introduction of an Employer Registration System would impact on the number of children they employed. Most delivery employers thought that it would not reduce their employment of school children (7), with one saying it would have a negative impact and one suggesting it would have a positive impact. The responses from catering employers were, again, more mixed: four anticipated a reduction in employment of children, three thought there would be no difference while two saw a possible increase in employment opportunities. The opinions of the retail employers were fairly mixed: four expected no difference, two envisaged a reduction in recruitment, one was unsure.

"More likely to employ someone, if we were approved we'd be confident we were doing it right".

A final point that was raised in relation to the idea of an employers' registration scheme concerned work experience. We noted earlier in this chapter that half of the employers had had pupils on work experience and one employer suggested that it would be useful if an employer registration system could include vetting for work experience placements.

Figure 9.3: Employer's views on the introduction of an employers' registration system

	All employers	Catering	Delivery	Retail
General opinion	*Mainly positive.*	*Mixed*	*Mainly positive*	*Mainly positive.*
Likely impact on business	*Mainly no impact**			
Likely effect on employment of under 16s	*Mainly no change or possible increase.*	*Mixed.*	*Mainly no change*	*Mixed*

* there were no differences between the sectors

Alternative approach 3: extension of the rights of adult workers to child employees with the issue of their National Insurance number when they reach appropriate age

The third possible alternative approach that employers were asked about was explained to them in the following words:

'A third suggestion has been to issue young people with a National Insurance number when they reach the minimum age for part-time employment (e.g. 14 years of age). This would then mean that they are treated in the same way as any other part-time employee.'

This third approach to a regulatory framework was the one which seemed most difficult for employers to engage with and to envisage in practice. They picked up on different aspects of this question: some responded on the basis of whether the age of 14 which had only been given as an example was the correct age; others focused on the implications of child employees being treated in the same way as any other part-time employees. Among this latter group some commented on whether treating them the same as others was a good idea since employees of such a young age would be likely to need different levels and types of support while others assumed this meant that all forms of restrictions on hours and tasks would be removed, in other words, that child employees could be used in exactly the same way as any other employee. What employers initially heard in the question tended to impact on their overall view on whether this approach to a regulatory system was a good thing or not. The report of their responses should be read with this in mind.

Overall, the response to this possible approach was mixed with employers being almost equally divided on whether it was a good or a bad idea (see Figure 9.4). There was little difference across the sectors with similar proportions in each being positive or negative in their opinion:

"Actually quite a good idea, it would register young people as employed with the relevant authorities, can see who is working and who is taking them on."

And

"I don't really understand the point of this, they're only working minimum hours so no tax, would it really help that central government knew they were working?"

Employers, even those who were generally positive, homed in on areas of uncertainty: would there be costs such as holiday pay or national insurance contributions?

"There would have to be clarity about the costs of this, and what they would expect for holiday pay, tax etc."

Some responded positively to this approach because they assumed it would mean losing the restrictions that were placed on what child employees could do.

"This could release the limitations on working hours and on what they are allowed to do, they could do more tasks without anyone taking advantage of them."

But another employer was concerned about protection of children against exploitation and about effective monitoring:

"I think this is wrong, we shouldn't encourage employers to treat them the same as other part-time employees, there are some employers who have absolutely horrific conditions. Kids often can't challenge an adult, and having a bad experience prevents the kids realising that work is a good thing. If this is central government, who's going to look after it? It will get lost and buried…"

When asked about the likely impact of this approach on their business, the overall view was largely that it would not have an effect or that the effect would be positive. Fourteen felt there would be no impact, three were positive, five were negative (of which two thought the present system was better and should be retained), and three were unsure. Responses were similar across the three employment sectors but it was evident that employers' views of this approach would be dependent on the answers to several questions. These concerned, on the one hand, whether there would be costs of holiday pay, tax or national insurance contributions and, on the other, whether the current regulations on hours and type of work would be removed:

"There would be no impact if they were on a par with other employees - problems arise when they have to be treated differently."

"We wouldn't expect an impact, but the government need to make sure the law is drafted to clarify holiday and other expenses so there are no financial repercussions for a small business."

"Positively, in that it would be more structured and easy to integrate into ways I administer other staff; negatively if there were costs such as holiday pay."

Most of the employers did not think that this approach would affect their recruitment of child employees: 15 expected no difference while three thought it might increase their recruitment; three anticipated that it might reduce their employment of this group and four were unsure of its likely effect on the employment of children. Again, there were few differences across the sectors. Overall, the impact of this approach on employers' employment of children was dependent on clarification on costs and flexibility of regulations.

"No effect as long as costs were clarified and there was no payment of NI or holiday pay otherwise there would possibly be a negative effect."

"More likely, it would release limitations on working hours and on what they are allowed to do, we could give them more tasks without taking advantage."

Figure 9.4: Employer's views on the extension of the rights of adult workers to child employees: issue of National Insurance number earlier

	All employers	*Catering*	*Delivery*	*Retail*
General opinion	*Mixed*	*Mixed*	*Mixed*	*Mixed*
Likely impact on business	*Mainly no impact*	*Mainly no impact*	*Mixed*	*Mixed*
Likely effect on employment of under 16s	*Mainly no difference.**			

*there were no differences between the sectors

A National Minimum Wage for under 16s?

Employers were asked a follow-up question relating to whether child employees should be treated in a similar way to other part-time employees: should such children be paid a National Minimum Wage, set for under 16s?

In summary the responses were mixed but within this the opinion of delivery employers was markedly different from the other two sectors. Only one delivery employer thought this was a good idea, four were negative (and these responses were strongly expressed) while another four felt it would make no difference as their child employees were already well paid, in their view. The employers in the delivery sector felt that this was an issue for other sectors and that it could not apply to their sector:

"This isn't a good idea, it would need to vary across employers and sectors, for example an hourly rate would work for kitchen work where the youngsters are on site and you can see what hours they are working. For newspaper delivery it would be difficult to pay by the hour, youngsters might lose out, or they might extend the time it

took them to do the work."

"Doesn't really apply to the delivery sector. If you analyse the hourly rate of paper boys [sic] *it's very good. They are paid for completing the job, not how many hours it takes. …. it might be a good idea for other sectors, youngsters shouldn't be paid a pittance, they should get a good wage for their work."*

In contrast, employers from the catering and retail sectors were more likely to think a National Minimum Wage for under-16s was a good idea:

"Good idea, it would stop employers ripping the kids off. We pay the kids £4/hou'"

And

"See no reason not to, we always pay under-16s the over-16 rate"

A caveat made by a number of employers in all sectors concerned the level any Minimum Wage would be set at:

"Probably a good thing, but it would depend on the level it was pitched at, at that age they're just an extra pair of hands, it's a false economy if it's pitched too high. The positives are it's a good investment, if you get a good youngster they might stay with you into the future."

"You've got to be careful to keep the balance, if they cost as much as an adult and expect and have the rights it makes less sense to employ them. They need more supervision and training which means there needs to be a lower wage to compensate."

It was notable that those who were negative about a National Minimum Wage were likely to feel this very strongly:

"It's just another bit of stupid legislation, China has thrived on exploiting human labour and we make it harder for businesses, no wonder the country is in a mess!"

Figure 9.5 provides a summary of the employer's responses to the different regulatory approaches. This summary identifies the extent of variation between employment sectors.

Figure 9.5: Overview of employers' responses to regulator approaches

	All employers	Catering	Delivery	Retail
Current system	Mixed	Mainly negative	Majority positive	Mainly negative
Enhancement of current system	Mixed	Mixed	Majority positive	Mixed
Employer registration scheme	Mainly positive	Mixed	Mainly positive	Mainly positive
Extension of the rights of adult workers:				
- NI number	Mixed	Mixed	Mixed	Mixed
- Nat Min Wage	Mixed	Mixed	Mixed	Mixed

Other issues raised by employers

Employers were asked if they wished to make a final comment: given the time pressures that employers were under it could be seen as a sign of engagement with the issue that 18 of the 25 employers took the opportunity to do so.
Their response touched on a number of issues:

- The importance of supervision and monitoring (3, one from each sector)

    "This needs to be supervised and regulated. The employer has a duty of care to these youngsters, but it would be nice to see another department knowing what it was doing and doing it and caring about it and exercising its duty of care."

    "I've employed kids for 4 years and have never had any checks, I'd be happy to have this happen."

- The regulations restricting child employees should be updated and made more flexible (Delivery 1, Catering 2, Retail 2):

    "The current regulations are not realistic in the world of work… Parents want their children to have the experience of work and gain independence, the regulations appear very heavy handed, very inflexible on the hours of work, a lot of young people are bored and end up on the streets instead."

    "The best thing to do is to make changes to the existing regulations then

everyone would see them as sensible and would abide by them, all the youngsters would be aware, the schools would let them know."

"It's amazing that slaughterhouses and brothels are in the same grouping as working in a butchers' shop according to the local council. It's a sore point, it's not any different from working in a supermarket or deli, as long as they are in an area where they don't use knives or machinery, in a protected area, there should be no problem and we could take them on officially rather than not complying. No butchers' shops are allowed child employees and they all have them."

- Having a part-time job is important for young people's development (Delivery 1, Catering 3, Retail 1):

"Getting a work ethic at age 14 is good, good for schooling and for their social development, gives them a more mature attitude to school work. It could bridge things, there's such a dichotomy between school and work.' 'Important not to do anything to stop them working, helps them mature and get used to working and helps them get work after school, shows employers they can be punctual etc."

- National byelaws should be drawn up (1 Delivery, 1 Retail). In fact this is one of the alternative approaches outlined in chapter 2 but that we did not include in the employer interviews as explained earlier in this chapter:

"There should be national byelaws, surely local councils would welcome that, if it is left for local decision then everything gets mixed up."

- Government should keep out of business (1 Delivery, 1 Retail)

"it's important not to over-compensate and have the effect of reducing the chances of youngsters getting work. Kids should be wise enough to know if they're being exploited, they're not daft, they won't work for £1.50 an hour when their pals are getting £3.50. Whenever Government starts to tighten up it can create more problems. They should leave well alone!"

Other issues raised included: the importance of an agreement between the employer and the parent; and the key role of the National Federation of Newsagents in making a decision on any new legislation on behalf of the sector.

Conclusions

An underlying feature of the interviews with employers was that many were rather bemused by the fact that the issue of the regulation of child employment was being raised with them. Their view seemed to be that if high rates of non-compliance coupled with lack of enforcement has been the norm for many years, and that there had (apparently) been no dreadful results, why raise it now? A number questioned giving priority to this issue at a time of financial and economic difficulty including reductions in local authority budgets. Such a perspective may be related to the fact

that virtually all of the employers interviewed, regardless of their sector, considered they were already treating child employees fairly; they saw change as something necessary for other employers who might not behave so well towards their child employees.

A second issue to emerge from the interviews is that it proved largely impossible to separate out the regulations from the regulatory framework in employers' minds and their responses. By this we mean that a substantial number of employers felt that compliance - with <u>any</u> system - would be improved if the regulations themselves were modernised (i.e. the number of hours, when they can be worked, what children are allowed to do) and therefore could be seen to be sensible by child employees, their parents and employers. An implication of this is that if the regulatory framework as it stands is tightened up without modernising the rules, it might result in employers deciding not to employ children part-time.

In reviewing the responses from employers, a general pattern is evident. At one end of the scale was a small group of around four employers who rejected the idea of regulation in *principle*: regulation was seen as intrusive, business should be *'left alone'* to get on with the job. Several of them were particularly antipathetic to local authorities having a regulatory role in relation to business. These employers tended to be smaller in size and to have less structured employment practices. At the other end of the scale was another group, around seven employers, who accepted, even welcomed, the involvement of the local authority or others in *'keeping us straight'* about regulations for child employment. Employers in this group would comply with any system. Both these groups responded consistently to each possible alternative approach: those against regulation were against all the approaches; those in favour of regulation could find something good in each of the approaches suggested. In between these two groups were a pragmatic group of employers (14) who focused on the *practice* of the regulations and the regulatory framework. This pragmatic group generally accepted that not all employers are as fair in their treatment of children (as they thought themselves to be); and they would work with any system if the rules seemed sensible, flexible and not burdensome in paperwork or too costly.

Half of the employers interviewed were involved in work experience as well as employing school pupils and it would seem worthwhile to consider the potential for a common system or at least links between any system to regulate child employment and the approaches in use to approve and monitor employers providing work experience placements – this was a point picked up on by at least one employer.

The interviews highlighted the range of ways in which employers acquired information on child employment beyond their local authority including: the firm's accountants; the legal department of the company; Business Links website; and the ACAS website. At the local level publicity beyond the employer, for example, to accountants would be helpful in informing small employers. It is clear that employers are consulting national websites, which raises issues about the accuracy of information given the existence of local byelaws. It was also pointed out that local byelaws mean that national companies have to deal with local differences at branch level. Several employers suggested 'national byelaws' instead of local ones.

Considering the employers' responses, we can identify a number of criteria for any system of regulation that employers would want to see observed. (In doing this we have excluded those who were not in favour of any regulation since nothing would make the system acceptable or workable for them):

- Simplicity and clarity – easy to understand and operate
- Cost free
- Minimal paperwork
- A clear explanation of the reason for the regulations (e.g. the importance of looking after children and evidence of the impact of excessive working hours on schooling)
- Regulations that are appropriate to the realities of the labour market (e.g. Sunday trading changes in practice) and are likely to be sensible to employers and others
- Increased flexibility in the regulations
- A good relationship with a contact person in the local authority (or regulatory body)
- Light touch monitoring with the focus on those who do not treat children properly
- Involvement of parents in the system (not all employers mentioned this)

Chapter 10

Overview and Conclusions

The main focus of this chapter is to address the central research questions by drawing on the multiple evidence sources. The project set out to:

- Explore the effectiveness of current child employment practices
- Identify key problems with the current registration system
- Consider options for reform

We shall now draw on the different data sources focusing on common themes and issues identified from across the evidence sources. Agreement on issues from across the different groups offers some check on the reliability of the evidence.

Current registration system: effectiveness and barriers.

An obvious starting point for our discussion is to consider the purpose of any registration system. This issue was covered in stakeholder and the in-depth case study interviews. There was a consensus that the goal of any system is that of 'protecting' and 'safeguarding' child employees. The term 'protection' was used to refer to specific concerns (e.g. safety at work) but was also used to highlight wider concerns abut the need to protect this vulnerable group. Interviewees also drew attention to the argument that registration helps to provide a framework within which to regulate child employment and define the balance between this type of employment experience and other aspects of children's lives, such as hobbies and education. Similar themes emerged from the school student focus groups and employer interviews.

Is the concern over the need to 'protect' child employees warranted? The research evidence in this area is limited and has focused on accidents and education. It is possible to draw attention to a number of serious accidents and fatalities that have occurred amongst child employees. While each fatality is tragic they are thankfully rare. One could argue that general employment legislation should ensure than any employer safeguards all employees regardless of age. In this context the question we need to address is there the need for specific 'protection' to cover this age group.

Research evidence in this area would support the argument that this group of young employees do require specific protection. A number of studies draw attention to accident rates amongst this group of workers. In the UK, research suggests that between 20-40 per cent of child employees experience some form of accident in the workplace. It has also been argued that these figures are in fact an underestimation of the number of accidents that young workers have. Some researchers link the discussion of accidents to the concern that child employees are more likely to take risks and be less aware of the consequences of their action as a result of their developmental stage (Hobbs, Anderson & McKechnie, 2009).

One interviewee suggested that an important goal of any registration system is that it highlights for the employer that this group of employees are 'different' from adult employees and thus warrant due consideration. This would be reflected in the

implementation of an appropriate risk assessment.

A second area where a 'protection' agenda has been researched is the field of education. There is a significant body of international and national research indicating that part-time employment can have an impact on educational outcomes. The research indicates that school students working 'excessive hours' are more likely to have poorer educational outcomes (McKechnie & Hobbs, 2001). Having a registration system that controls the number of hours that may be worked has the potential to protect this outcome.

As we noted in the introduction the efficacy of the current registration system has been questioned for some time. In the present study this is reflected in the gap between the number of work permits issued and the number of potential child employees. Local authorities do not have firm information on how many children in their area are working.

All of the participating authorities have a work permit system in place, the majority produce and disseminate information on the system and in some cases there is evidence that the current system works. For example, in the in-depth case studies we found examples of employers engaging with the process and procedures with no apparent difficulties. This finding is reinforced with evidence from the employer interviews. Just over half of the employers engaged with the system and appeared to have no difficulties with the procedures. Furthermore, the local authority survey respondents suggested that the advantages of the current registration system are that it is easy to administer, simple and straightforward and places minimal demand on employers.

Barriers

If under some circumstances and for some employers the system can work, why is it largely ineffective? Across all of the evidence sources participants highlighted a number of barriers, which in their view, hamper the current registration system. The key problems, or barriers, were identified as lack of awareness, resources and prioritisation, current legislation and monitoring and enforcement.

(i) Awareness

Lack of awareness was identified as a barrier to efficiency across a number of our evidence sources. The issue was raised explicitly in stakeholder interviews, the local authority survey and in the in-depth case studies. The issue was also identified indirectly in the focus groups and the employer interviews. In the former case the concern was lack of access to information, while the latter interviews drew attention to the limited awareness of employers around this topic and lack of local authority contact to inform them. School students in the focus groups referred to the lack of information available to them and the lack of people to talk to about problems.

Given the degree of consensus around lack of awareness one could argue that one way of improving the poor level of effectiveness of the current system has been identified. However, the idea of raising awareness is more complex. One study has evaluated the impact of an awareness raising intervention on work permit levels

(McKechnie, Hobbs & Anderson, 2009). A key aspect of this intervention was the targeting of information to raise awareness amongst key actors. The intervention strategy was effective. Raising awareness resulted in a significant increase in work permit levels. This positive outcome was accompanied by a number of caveats including:

- the study had focused on a small number of schools within an area. Rolling this strategy out across the whole authority would have significant resource implications
- to maintain this effect there would have to be a commitment to year-on-year resource allocation. One-off activities will have little impact
- while a significant increase in work permits resulted from the interventions this still only accounted for just over half of the school students who were working at the time of the study. Additional strategies would be required to reach the remaining employers

It seems that awareness raising can improve compliance with the current registration system, however, this is at best only part of the solution.

(ii) Resources and prioritisation

The stakeholder interviews and the survey data identified the lack of resource that is allocated to this area as another barrier to effectiveness. This was often accompanied by comments indicating that this reflected the low priority that authorities ascribe to this particular statutory obligation.

Evidence on staffing levels from the survey tends to support this position. A minority of authorities have staff for whom this is their sole responsibility. Where child employment is a 'bolt-on' to other duties, it may be given a back seat in favour of the other duties. There is an additional complication in that staff responsible for child employment registration also tend to deal with child entertainment licensing. Survey respondents and interviewees within the in-depth case studies drew attention to the demands that this licensing places on their time.

The in-depth interviews also highlighted the fact that the resource issue is not simply about staffing levels. The resources for disseminating information and raising awareness were limited and in some cases had been withdrawn. The resource debate has emerged as an issue in earlier reviews of child employment practices. When the 1997-98 interdepartmental review of child employment legislation was announced in Parliament, the minister concerned also stated that local authorities could not anticipate additional financial support for this area (Hansard, 13 February 1998). It was evident at that time that the resource models for this aspect of local authority activity were not transparent. It could be argued that they were not drawing on an evidence base which accurately reflected the extent of child employment and by implication not providing the resource needed to run the current registration system.

One of our stakeholder interviewees posed an interesting question when they asked the 'so what?' question. Local authorities have a number of priorities and, if this is the area that is 'neglected' with no major negative consequences, why should

authorities prioritise the issue? Clearly, it is difficult to answer such a question when evidence of the extent of child employment and the consequences of working and not having a permit are lacking for an area.

(iii) Legislation issues

A common barrier to the effectiveness of the current registration system was the nature and content of the underlying legislation. Many interviewees when discussing the current registration system commented on the underlying 'rules' and legislation. This issue was raised in all of the evidence sources within this project, however, the specific focus of concern varied slightly across the data sources. The central concerns to emerge are the:

- multiplicity of legislation which covers child employment
- existence of local authority byelaws and their variability
- failure of legislation to reflect contemporary society and the twenty-first century childhood experience
- specific details of the underlying legislation and byelaws stop employers from engaging with the current registration system,

These conclusions are not unique to this study. Similar issues were identified in the 1998-99 interdepartmental review (Department of Health, 1999) of child employment legislation and the Better Regulation Task Force (BRTF) (2004) report. However, these concerns have never been addressed. A number of the issues raised here are similar to those raised by Stewart (2008) in the context of New Zealand (see Chapter 3).

The evidence from this project is that those who have experience of implementing the current registration system, employers and young people are aware that engaging strictly with the legislation would result in unemployment or non-employment of a young person. There is a perception that the 'rules', such as the hours of work allowed on a Sunday are not compatible with the reality of contemporary working life. It could be argued that compliance with the current system of registration could be improved if the 'rules' and legislation were consistent across England and were perceived as being suitable for contemporary society.

(iv) Monitoring and enforcement

The effectiveness of the current registration system is undermined by the lack of any perceived consequences for non-compliance. Many employers are unaware of the possibility of a penalty for breaking the law. This view was raised in one form or another in stakeholder interviews, survey responses and by one of the employers.

For some respondents the lack of enforcement or monitoring of compliance is linked to the issue of resources. It is proposed that in order to improve compliance authorities need to be more proactive, for example, spending more time visiting and checking on actual and potential employment situations. The implication appears to be that this is not possible with the current level of resource. Other interviewees were of the view that those charged with responsibility for child employment registration should have stronger powers to allow inspection of employment premises.

The survey responses indicate that there is evidence of enforcement in some authorities, but that this is limited within the authorities surveyed. The secondary analysis of work permit data in Chapter 4 suggests that even where a work permit is held it does not guarantee that the employer is complying with the legislation. This would tend to support the view that any system requires some form of checks on compliance.

Concern over monitoring and enforcement is not necessarily linked to the desire to 'penalise' those who are not engaging with the registration system. It appears to be linked to the desire to be able to effectively monitor the registration system. This in part involves ensuring that relevant parties know about the registration system and are aware that there is a possibility that non-compliance will be detected. At present this is not the case.

Options for reform

Four options for reform were considered within the study. As anticipated the responses to these alternative approaches varied between and within our evidence sources. The four options are:

- an enhanced version of the current system
- the adoption of a national regulatory framework
- employer registration
- the extension of adult employment rights to child employees

Participants were also encouraged to consider whether a combination of approaches would be more effective.

Each option was explored within the different sub-sections of this project. Two exceptions to this strategy are (i) the school student focus groups and (ii) the employer interviews. In the former it was felt that this group would not be in a position to comment on the detail of these alternative options. In the case of the latter group we did not explore the national regulatory framework option (see Chapter 9 for explanation).

Adopt a national regulatory framework

We start our overview of options for reform by looking at this approach as it has consistent support from across our evidence bases. The primary reason for supporting this approach is a general widespread concern over the variability in byelaws and the confusion this creates. For a number of participants this is a clear barrier to the effectiveness of any child employment registration system.

Developing such a national framework would present challenges. One concern is the loss of local autonomy. However, it could be argued that the bylaw structure is an historical artefact, relevant when the original legislation was laid down, but no longer meaningful in the twenty-first century. Respondents in the in depth case studies were asked to consider any aspects of child employment that were 'unique' to their area. There were no major variations between authorities. Furthermore there was little

evidence of a fear of the loss of local autonomy which would arise from a national framework.

While there may be challenges in agreeing a 'national byelaw', developing such a framework was also perceived as an opportunity. The formation of this framework would provide the space for a discussion of the range and types of employment that were appropriate for child employees in contemporary society.

Supporters of a national regulatory framework also acknowledged that introducing this option still leaves a number of problems to be tackled. The underlying legislation would still need to be changed and the resourcing of a child employment registration system would still remain.

Enhanced version of the current registration system

We noted in the first section of this chapter that the administration of the current registration does work at some level. One specific barrier to the effectiveness of this system was inadequate resourcing and lack of local authority prioritisation. The enhanced approach would require these barriers to be tackled and it is clear that amongst the local authority survey respondents there is a positive response to this option. Many respondents highlight ways in which additional resources could be used to improve the efficacy of the system.

Amongst our stakeholder and employer interviewees the response to this approach was more mixed. Just over half of the employers were positive about this approach. The small number of employers opposing it did so on the grounds that it would be more outside interference in the running of their business.

The key concern with this option is one of cost. Respondents from across all of our evidence bases drew attention to the level of resource that would be needed and the recognition that this would be an ongoing cost. Interviewees noted that the current financial climate meant that accessing such resource would be problematic. In addition there was concern that this option would leave untouched the problems of underlying legislation and local authority variability.

Employer registration

The idea of an employer registration system was proposed by the BRTF(2004) after its review of child employment regulations. A number of the participants in this project were therefore aware of this approach. However, it was clear that participants had differing ideas about how such a system would work. For some this approach would only work if introduced at a national level. Leaving it at a local level would simply result in local variability, a problem inherent in the current regulatory system.

Across the evidence bases it was acknowledged that there could be advantages to such an approach. These include: highlighting employer responsibility; simplicity of the approach; construction of an evidence base of employers; increased consistency; and it would be easier for local authorities to regulate. If this system led to a more widespread use of risk assessment, it might offer more protection to young workers. Some of these advantages pre-suppose how such a system would be

implemented.

A number of the concerns expressed about this approach focus on practical issues. For example, there would need to be a code of practice for potential child employers, an inspectorate would be required, the burden on employers would increase and there could be consequences for this system if employers were charged for registering. However, it could be argued that some of these concerns could be addressed by the specific design of such a system.

Other concerns were more fundamental. Some respondents were of the view that a system that requires self registration will not work. The current registration system requires employers to notify local authorities when they employ a child and, as we have seen, compliance with that system is poor. The consequence of this would be that the inspection system would need to be resourced at a level to allow inspection of all potential employers.

A second concern focuses on the goal of registration. The current legislation is structured within a safeguarding and child protection remit. This in turn places the emphasis on the individual child within a given employment context. The decision to issue a work permit is not solely dependent on the appropriateness of the employer. A decision is also made about whether employment will have implications for the individual child, for example whether their education will be affected. Respondents across the evidence bases raised concerns that in adopting an employer registration system there is a risk of losing sight of the child as an individual.

As we noted, the BRTF (2004) proposed the adoption of an employer registration approach. At the time, as far as we are aware, there were no examples offered to show how such a system would work. At present there are two examples of employer registration that we can consider, one from the perspective of adult employment and one from child employment.

The introduction of gangmaster legislation was underpinned by an employer registration system (Gangmasters Licensing Authority, 2009). A 'gangmaster' needs to register and provided they meet the stated criteria can be approved subject to inspection. Registration is on a yearly basis. In this case employers put themselves forward for registration and there are clear and potentially heavy penalties for failing to comply. While avoidance of such penalties may encourage registration there are other aspects of this system that are potentially important. The system is applied nationally, is based upon on-line registration and has an inspectorate to monitor this area of employment. In addition organisations that may use gangmasters to supply labour for them have a responsibility to check the licence status of the gangmaster. This in itself may be an important motivator for gangmasters to register.

Any child employer registration system may be able to adapt some of the procedures within this system (e.g. on-line registration). However, the motivation to register created by having organisations that use gangmaster services check their licence status is difficult to replicate in the context of child employment. We also need to be aware that some research findings have raised questions about the efficacy of the gangmaster system. For example, a recent report argued that 25-40% of gangmasters are unlicensed (Oxfam, 2009).

The second example of an employer registration system is one that is in use for child employees. In 2005 the Isle of Man introduced an employer registration system. Employers of children are required to keep a register of their employees and this is open to inspection. At present a research project evaluating this system is underway. This study, carried out by the Child Employment Research Group, has still to report its findings. However, there are early indications that there are questions about the efficacy of this approach (Littler, personal communication). These problems have already resulted in the introduction of amendment to the initial legislation. In 2009, due to concerns about employers' failure to keep registers, employers are now required to notify the Education Department that they are employing a young person. The impact of this self referral system is not yet known. Findings from the Isle of Man project will not be available until later this year.

It might also be appropriate, in this context, to explore practices by local authorities in dealing with employers who take school students on 'work experience' programmes. An examination of the effectiveness of regulation in this area might be helpful in making decisions about the regulation of 'real' work by children.

Extension of employment rights

Under the final approach child employees would be extended the same employment rights as adults. Across all of the evidence sources this approach received limited support.

A key advantage of this option according to our respondents was that such a strategy would increase recognition for this group of employees. It also has the potential to build upon the potential benefit of this employment experience by introducing young employees to a more 'realistic' experience of employment. According to our employers it would also mean that these employees would then be 'in the system'. For some this approach would reduce the burden of administration on local authorities.

Concerns regarding this approach focus on the risk of losing sight of the individual child. In this option there appears to be no one in this system, other than the employer and the child's parents, considering the best interests of the child. For some respondents drawing parents into this area and acknowledging their role is a positive advantage.

A related concern for some respondents is that under this approach we obscure the fact that child and adult employees are fundamentally different. This implies that any option for registration should ensure that employers view child employees as requiring specific attention.

The final concern was that of cost to employers. Across our sources of evidence doubts were raised about the underlying cost implications of this approach e.g. holiday pay, redundancy costs. The consequence of these costs, and concerns over legal challenges, may be a reduction in job opportunities for this age group.

It should be noted, however, that although this issue was not put to the child workers in the focus groups, they did raise the issue, particularly with respect to the lack of

any legal safeguards for fair wages. They showed an awareness and concern that Minimum Wage regulations apply only from the age of 16 years. That this is not an isolated, local concern is suggested by the fact that fair wages was central to a petition by school students placed before the Scottish Parliament last year (Scottish Parliament, 2010).

Combining approaches

We should complete our consideration of options for reform by considering the potential of adopting an eclectic solution. It is evident that no single approach addresses all of the concerns surrounding the registration of child employees.

Local authority respondents were asked to reflect upon whether a combination of options should be considered. The responses (see Chapter 6) suggest that aspects of the approaches that we have been considering could be combined.

In our in depth case studies we identified one authority that was already adopting this strategy. In this case they were in the process of introducing a system that combined elements of an employer registration system with a work permit system. In effect this approach draws heavily on the current registration system. Employers notify the authority that they are employing a young person by registering ('employer registration') and this then sets in motion a process that results in the issuing of a work permit to the named employee. Employers sign up to a code of practice and the circumstances of the individual child are still considered through the permit system.

A key element in the above is the introduction of an IT based system to support this change. Employers register on-line and the system allows the individual child's records to be assessed (for example education records). This involved initial investment in new software. At present the system is in the process of being introduced and careful evaluation will be needed to assess its impact.

It is clear that the concerns around child employment are such that a single solution, such as a change of registration system, in and of itself is unlikely to solve the range of issues identified. The problems that have been noted are in part linked to 'procedures' but are underpinned by a range of questions relating to principles and attitudes regarding child employment.

Impact of change

When considering the introduction of any change to this area we need to be aware of the impact such change may have. During the employer interviews we asked employers to consider the consequence of each of the alternative approaches that they were asked to consider (see Chapter 9). For this group a primary concern was the potential cost of change, either financial or in the form of time taken up in administration. For some respondents increasing costs to employers are likely to reduce employment opportunities for this age group. Other participants in the stakeholder interviews and the survey element of the study also raised concerns over the impact of change on employment opportunities.

It was clear that participants acknowledged the potential benefits of part-time employment to young people. Such experience can be a learning and maturing experience as well as creating some element of financial independence. As such there would be concern about any change that restricted such an opportunity.

It could be argued that simply focusing attention on this topic and raising its profile is likely to have an impact on employment. This may result in children losing their jobs. The issue is whether this would be a short or long term loss of employment opportunity. In some cases jobs may be lost as they fail to comply with the underlying regulations, for example start or finish times, alternatively we may see job opportunities expand if some current restrictions are removed, for example Sunday hours. The key point to note is that there will need to be some acknowledgement of the need for a transition process and resources to accompany any change (McKechnie & Hobbs, 2000).

Conclusions

Before we consider the implications of the findings from this study it may be useful to re-visit the project's aims. There were three main aims:

1. Assess the effectiveness of the current registration system

All local authorities had a work permit system in place, however, the commitment to apply this system varies. The information on levels of work permits indicates that the current registration system is not achieving its goal. Even when permits are issued there is no guarantee that there are no violations of the system taking place.
The participants in this project noted that the current registration system has potential advantages but that it is hampered by key problems.

2. Identify the key problems with the current registration system.

A number of barriers were identified across the evidence bases. These were:

- current legislation and byelaws
- awareness
- resources and prioritisation
- monitoring and enforcement

Participants across all of the evidence bases made a distinction between the registration process and the 'rules' or regulations that underpin this process.

3. Consider options for reform

Four alternative approaches to registration were considered. A range of advantages and disadvantages were identified for each approach. There was strong agreement on the approach that proposed the adoption of a national regulatory framework. This would tackle concerns over local variation in regulations and participants believed adopting this approach would improve effectiveness. Support for the other options was more varied.

Recommendations

Regulation and legislation

Any registration system must be built upon a base of rules and regulations that are credible and command the respect of those who must apply and comply with them. At present it is clear that the child employment regulations do not achieve this. We recommend that:

1. ***The legislation dealing with child employment be reviewed, simplified and updated. This is a pre-requisite for any other change in this area.***

2. ***The current byelaw system be replaced with a national regulatory framework. Adopting this system will reduce confusion and address concerns over the credibility of the regulatory framework.***

Implementing recommendations 1 and 2, in and of themselves, have the potential to improve compliance with any child employment registration system.

Registration system

The findings from this study show that there was agreement across a range of participants on the principles underpinning any registration system. These were that it should:
- safeguard the individual child
- not reduce employment opportunities

Four alternative approaches were considered (enhanced version of current system, national regulatory framework, employer registration and extending employment rights to child employees) and Recommendation 2 adopts the approach that had the greatest degree of consensus.

Employer registration has been proposed as an alternative to the current registration system by previous reports e.g. BRTF (2004). Based on the views of our participants there is no consensus that this would be any more effective than the current registration system. We recommend that:

3. ***There needs to be empirical evidence from which to evaluate the impact of employer registration. The report identifies two employer based systems currently in use. These should be monitored and evaluated to assess the extent to which an employer registration system impacts upon levels of compliance prior to any decision to adopt this approach.***

In the short to medium term we recommend that:

4. ***The barriers to the efficacy of the current registration system be tackled. Recommendations 1 and 2 address two key barriers and could impact positively on levels of compliance. This should be monitored and the current project provides base information for this monitoring.***

Addressing the remaining barriers of resources and prioritisation and monitoring and enforcement will be challenging. Tackling both of these barriers will be dependent on resources. We would recommend that:

5. ***There is a need to agree the minimum data to be in the information base that local authorities should be able to provide on child employment e.g. work permits issued. This would help local authorities set priorities in this area and identify resource needs.***

The literature review and the evidence base collated within this project indicate that the issue of child employment regulation has been a low priority. There needs to be a clearer recognition of levels of child employment in the UK and a clarification of societal attitudes toward this. We recommend that:

6. ***Central and local government need to demonstrate a commitment to the regulation of child employment if they wish employers to take this issue seriously. Recommendations 1 and 2 provide the opportunity to open a debate in this area and to establish a framework for considering child employment in contemporary society. This debate should consider issues such as a national minimum wage, the role of schools and the work-education relationship.***

11. References

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APPENDICES

Appendix 1: Local authority work permits (Scotland)

Table 1**   Number of permits issued and estimated numbers employed (Scotland)

Local Authority	Number of permits issued	Estimated Number of S3 pupils with part-time jobs*.	Estimated Number of S4 pupils with part-time jobs*.
LA1	66	720	1210
LA2	146	1310	1200
LA3	324	1440	1510
LA4	0	300	340
LA5	47	660	1100
LA6	24	320	440
LA7		290	350
LA8	60 (approx)	470	430
LA9	17	450	470
LA10	2	330	400
LA11		690	710
LA12	7	190	100
LA13	0	460	370
LA14	17	530	530
LA15		1150	1360
LA16	165	800	730
LA17	1	120	290
LA18	?	280	260
LA19	109	280	520
LA20	15	400	490
LA21	25	970	1210
LA22		100	100
LA23	99	460	490
LA24	30	670	640
LA25	69	400	600
LA26	1	140	170
LA27	11	360	550
LA28	169	1130	1220
LA29		250	290
LA30	11	290	250
LA31	121	410	540
LA32	0	60	90

Key:
 * Estimated Number extrapolated from a 10% representative sample of school pupils
 ? indicates that permits were issued but there are no figures available
Blank cells indicate that no information was available – see text for explanation

** This is a modified version of the table which appears in McKechnie, J., Hobbs, S., Anderson, S., Howieson, C. & Semple, S. (2007) Child employment: Policy and practice in Scotland. *Youth & Policy,* 96, 51-63.

UWS UNIVERSITY OF THE
WEST *of* SCOTLAND

Child employment regulation and options for reform

Please complete the questionnaire as follows:

1. Please complete the questionnaire as fully as possible.
2. All of the following questions should be answered in relation to the local authority for which you work.
3. Please note that all answers given are completely confidential and your name will not be disclosed.
4. You can either complete this questionnaire electronically or run off a hard copy and complete it by hand. Addresses for returning the questionnaire can be found on the last page.
5. To complete each question please type in the shaded areas e.g.

6. If you have any questions regarding the questionnaire please feel free to contact ………….. or …………. at the following e-mail addresses:

Name of Local Authority:

Name of person completing questionnaire:

Role of person completing survey:

Under current legislation Local Authorities are responsible for regulating the employment of children who are less than 16 years of age or still within the period of compulsory education. This questionnaire focuses upon this group and seeks to gather information on your authority's current practices with respect to child employment (Section A, B and C).

We would also like your views on alternative ideas for the regulation of child employees (Section D).

Section A: Information on school students' part-time employment

Q1. Does your Local Authority have any leaflets, information packs or web-based information covering the employment of school students less than 16 years of age? (i.e. still within compulsory education)

Please tick:

Yes ☐ No ☐

If 'No' go on to Question 2.

If 'Yes' what type of material is available:

For whom is this material produced?

Please tick:

Parents/carers ☐
School ☐
Employers ☐
School students ☐

Other (please indicate)

Q2. Has your Local Authority been involved in any activities to raise awareness among employers, parents, schools or children of the following child employment issues? (Via publicity campaigns, information events or research activities.)

Please tick:

	Yes	No	Don't know
Raising awareness of the legislation	☐	☐	☐
Raising awareness of health & safety issues	☐	☐	☐
Raising awareness of part-time employment and its potential impact on education	☐	☐	☐
Any other issues	☐	☐	☐

If you have indicated 'Yes' to any of the above please provide details of these activities and

when they took place:

Q3. Please indicate the number of staff who are involved with the regulation of student employment in your Local Authority and whether involvement is an individual's sole duty or a major or minor part of their workload.

Child employment issues

Sole duty   Number of staff

Main duty   Number of staff

Minor duty   Number of staff

Q4. Which department(s) within your Local Authority is/are responsible for the registration of child employees?

Name of Department(s):

Please continue to Section B.
Section B: The regulation of child employment

Q5. How does your Local Authority monitor school students' employment?
Please tick:

Work permit system
                    Yes ☐   No ☐

Other
                    Yes ☐   No ☐

If 'Other' please explain:

Monitoring employment levels

Q6. In the table below please indicate:

(i)   whether any school students have been given permission to work in each of the requested time periods
(ii)   provide information on the number of school students given permission to work in the specified timescales.

If you have no information then please enter 'don't know' in the relevant column.

	Have any students been given permission to work? Please tick:		Number of 13 year olds given permission	Number given permission in 14 -16 age group
	Yes	No		
In the last academic year 2009-2010.	☐	☐		
In the academic year, 2008-2009.	☐	☐		
In the previous three academic years, 2005-2008.	☐	☐		

Q7. Does your Local Authority have a system for **checking** if students and employers are following the legislation on child employment? (e.g. spot checks on employers, audit by school.) Please tick:

Checking Students   Yes ☐   No ☐   Don't know ☐

Checking Employers   Yes ☐   No ☐   Don't know ☐

If 'Yes' what is this system?

For students

For employers

Q8. Does your Local Authority keep records where permission to work has been refused, revoked or amended? Please indicate your response below:

	Yes	No	If 'Yes', how many in the academic year 2009-10	If 'Yes', how many in the last academic years 2005-09
Have any requests for permission to work been **refused**?	☐	☐		
Have any requests for permission to work been **revoked**?	☐	☐		
Have any requests for permission to work been **amended**?	☐	☐		

Q9. Does your Local Authority keep records about any **warnings** being given in relation to

child employment? Please tick:

Yes ☐   No ☐

If 'No' go on to Question 10.

In the table below please indicate the number of warnings given in the specified timescales.
- (i)   whether any **warnings** were issued in each of the requested time periods
- (ii)   provide information on the number of **warnings** issued in the specified timescales.

If you have no information then please enter 'don't know' in the relevant column.

	Have there been any warnings given? Please tick:		Number of warnings given involving 13 yr olds	Number given warnings in 14-16 age group
	Yes	No		
In the last academic year 2009-2010.	☐	☐		
In the academic year 2008-2009.	☐	☐		
In the previous three academic years, 2005-2008.	☐	☐		

If applicable please provide any examples of warnings that were issued?

Q10. Does your Local Authority keep records about any **prosecutions** in relation to child employment? Please tick:

Yes ☐   No ☐

If 'No' go on to Question 11.

In the table below please indicate the number of prosecutions given in the specified timescales.

(i)   whether any **prosecutions** were carried out in each of the requested time periods

(ii) provide information on the number of **prosecutions** in the specified timescales.

If you have no information then please enter 'don't know' in the relevant column.

	Have there been any prosecutions? Please tick:		Number prosecutions where employees were 13 yr olds	Number prosecutions where employees were in 14-16 age group
	Yes	No		
In the last academic year, 2009-2010.	☐	☐		
In the academic year, 2008-2009.	☐	☐		
In the previous three academic years, 2005-2008.	☐	☐		

If applicable please provide examples of any prosecutions:

Please continue to Section C.

Section C. Your views on the current registration system

Based on your experience we would like you to evaluate the current registration system. Below is a list of statements please indicate how much you agree and/or disagree with the statements by marking the appropriate box.

Q11. Thinking about the **current** registration system do you agree/disagree that this system is:

	Strongly Disagree	Disagree	Agree	Strongly Agree
Effective in protecting children	☐	☐	☐	☐
Easy for employers to understand	☐	☐	☐	☐
Difficult for employers to operate	☐	☐	☐	☐
Easy for school students' to understand	☐	☐	☐	☐
Easy for parents to understand	☐	☐	☐	☐
Easy for school staff to understand	☐	☐	☐	☐
Difficult for local authority to administer	☐	☐	☐	☐
Likely to discourage school students' part-time employment	☐	☐	☐	☐

Q12. What do you consider to be the main advantages of the current system?

Q13. What do you consider to be the main disadvantages of the current system?

Please continue to Section D

Section D: Your views on suggestion for improvement.

In this section we would like your views on a number of suggestions for improving the current system for regulating child employment. We would like you to consider each idea and answer the relevant questions.

A: enhanced version of the current regulatory framework.
In this case part-time work would continue to be regulated by local authorities. This would involve the continuation of a work permit registration system. A more pro-active approach would be required from local authorities and this would need to be supported by the necessary resources.

Q14. Below is a list of statements please indicate how much you agree and/or disagree with the statements for option A by marking the appropriate box.

This approach would:

	Strongly Disagree	Disagree	Agree	Strongly Agree
be effective in protecting children	☐	☐	☐	☐
be easy for employers to understand	☐	☐	☐	☐
be difficult for employers to operate	☐	☐	☐	☐
be easy for school students to understand	☐	☐	☐	☐
be easy for parents to understand	☐	☐	☐	☐
be easy for school staff to understand	☐	☐	☐	☐
be difficult for local authority to administer	☐	☐	☐	☐
be likely to discourage school students' part-time employment	☐	☐	☐	☐

Q15. What do you consider to be the main advantages of this approach?

Q16. What do you consider to be the main disadvantages of this approach?

B: adopt a national regulatory framework.
In this case the flexibility afforded to local authorities to introduce their own byelaws would be removed. Instead central government would specify the regulatory framework, removing any variation or confusion created by regional variation in byelaws. Local authorities would still maintain and administer the work permit system within this framework set by central government.

Below is a list of statements please indicate how much you agree and/or disagree with the statements for option B by marking the appropriate box.

Q17. This approach would:

	Strongly Disagree	Disagree	Agree	Strongly Agree
be effective in protecting children	☐	☐	☐	☐
be easy for employers to understand	☐	☐	☐	☐
be difficult for employers to operate	☐	☐	☐	☐
be easy for school students to understand	☐	☐	☐	☐
be easy for parents to understand	☐	☐	☐	☐
be easy for school staff to understand	☐	☐	☐	☐
be difficult for local authority to administer	☐	☐	☐	☐
be likely to discourage school students' part-time employment	☐	☐	☐	☐

Q18. What do you consider to be the main advantages of this approach?

Q19. What do you consider to be the main disadvantages of this approach?

C: adopt an employer registration system.
For this option work permit registration would be replaced by an employer registration system. Employers would inform local authorities if they had any child employees. The local authority would then have the responsibility of ensuring that such employment complied with the legislation.

Below is a list of statements please indicate how much you agree and/or disagree with the statements for option C by marking the appropriate box.

Q20. This approach would:

	Strongly Disagree	Disagree	Agree	Strongly Agree
be effective in protecting children	☐	☐	☐	☐
be easy for employers to understand	☐	☐	☐	☐
be difficult for employers to operate	☐	☐	☐	☐
be easy for school students to understand	☐	☐	☐	☐
be easy for parents to understand	☐	☐	☐	☐
be easy for school staff to understand	☐	☐	☐	☐
be difficult for local authority to administer	☐	☐	☐	☐
be likely to discourage school students' part-time employment	☐	☐	☐	☐

Q21. What do you consider to be the main advantages of this approach?

Q22. What do you consider to be the main disadvantages of this approach?

D: extension of the rights of adult workers to school students working while still within compulsory education.

In this option children would be issued with a national insurance number at the minimum age for work. There would be an explicit extension of adult workers' rights to cover young people who are working while at school in the compulsory school stage. For example the National Minimum Wage would be extended downward to cover this group of employees.

Below is a list of statements please indicate how much you agree and/or disagree with the statements for option D by marking the appropriate box.

Q23. This approach would:

	Strongly Disagree	Disagree	Agree	Strongly Agree
be effective in protecting children	☐	☐	☐	☐
be easy for employers to understand	☐	☐	☐	☐
be difficult for employers to operate	☐	☐	☐	☐
be easy for school students to understand	☐	☐	☐	☐
be easy for parents to understand	☐	☐	☐	☐
be easy for school staff to understand	☐	☐	☐	☐
be difficult for local authority to administer	☐	☐	☐	☐
be likely to discourage school students' part-time employment	☐	☐	☐	☐

Q24. What do you consider to be the main advantages of this approach?

Q25. What do you consider to be the main disadvantages of this approach?

Section E: Overall preferences and comments

Q26. Please rate the different suggestions in terms of your preference, with 1 being the most preferred and 4 the least preferred. Please put a number in each box.

Suggested approach :	Ranking
A: enhanced version of the current regulatory framework with additional resources	
B: adopt a national regulatory framework.	
C: adopt an employer registration system.	
D: extension of the rights of adult workers to school students working while still within compulsory education	

Q27. Do you think it would be preferable to adopt, or combine, more than one of the suggested approaches?

Please tick:

Yes ☐   No ☐

If 'No' go to Question 28.

If 'Yes', which combination of approaches would you favour?

Q28. In what ways would your preferred approach, or combination of approaches, be better than the current regulatory system?

If you have any additional comments that you wish to make on the issue of child employment registration please note them below:

Thank you for taking the time to complete this questionnaire.
Please keep a copy of your completed questionnaire in case we need to contact you
to clarify some aspects of your responses.

If you are returning the questionnaire by e-mail please send it to:

If you wish to post your completed questionnaire please send it to:

Appendix 3: School student survey responses

Figure 1. Young people under 16 SHOULD BE allowed to work (n = 793)
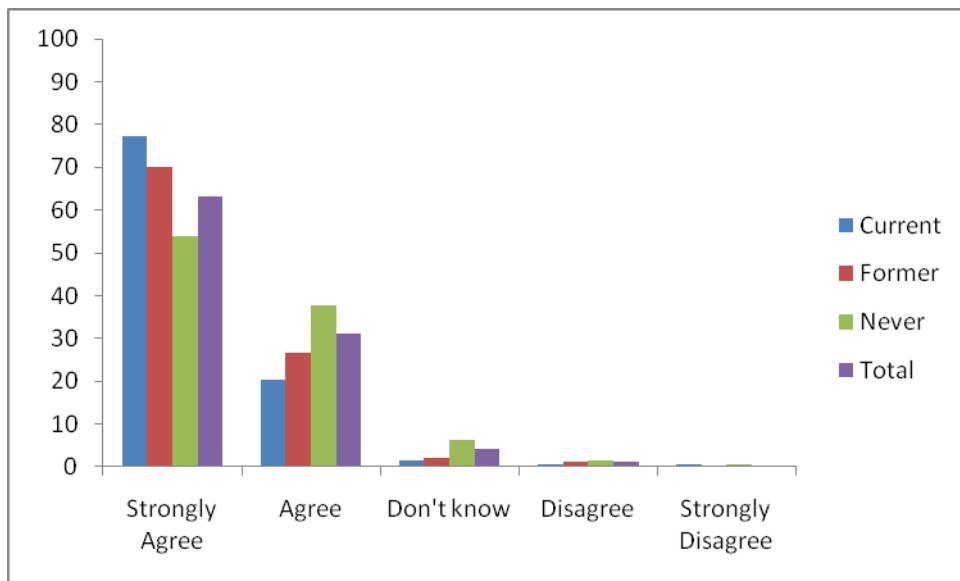

Figure 2. A young person under 16 SHOULD NOT be allowed to work before 7am (n = 790)
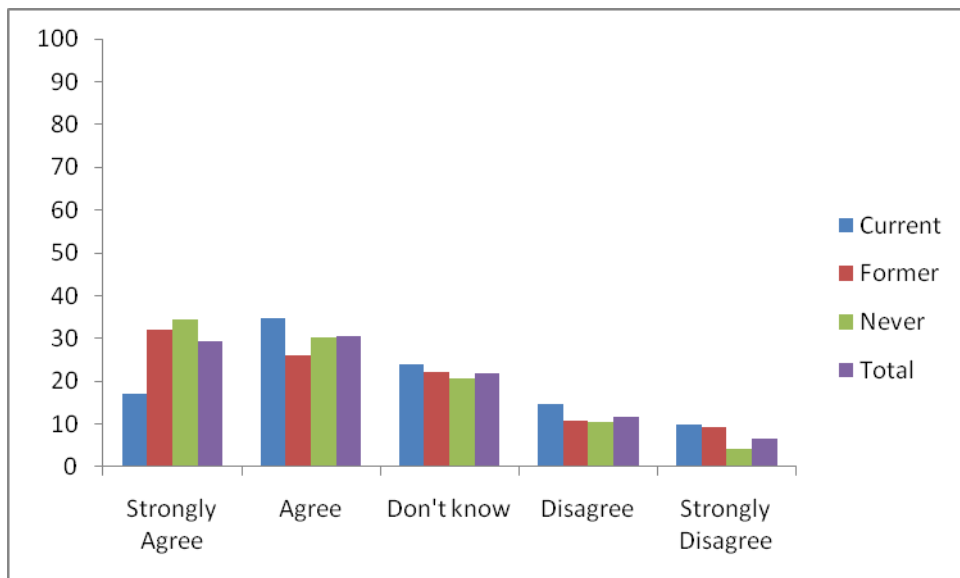
Figure 3. A young person under 16 SHOULD NOT be allowed to work after 7pm (n = 793)
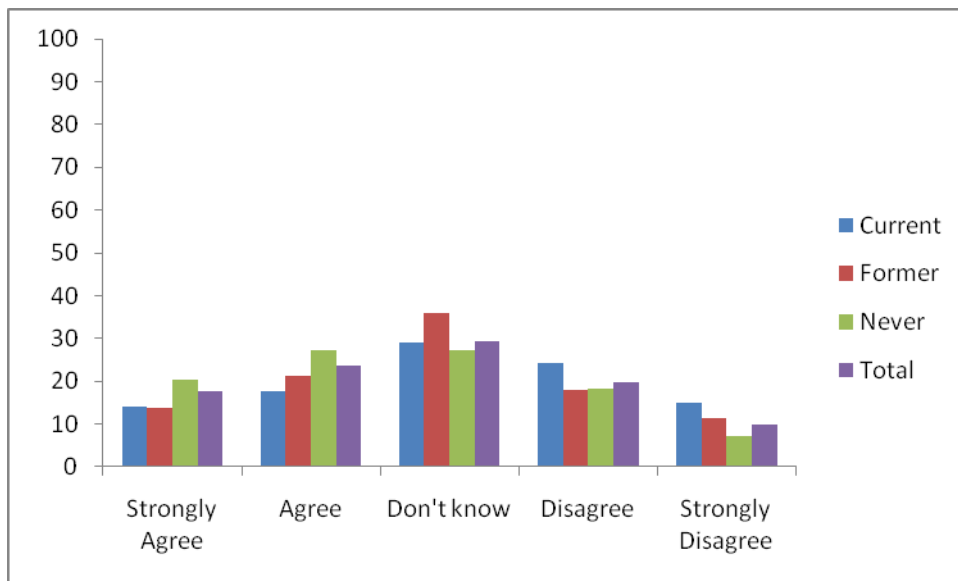

Figure 4. A young person under 16 SHOULD NOT be allowed to work for more than 2 hours on a school day (n = 794)
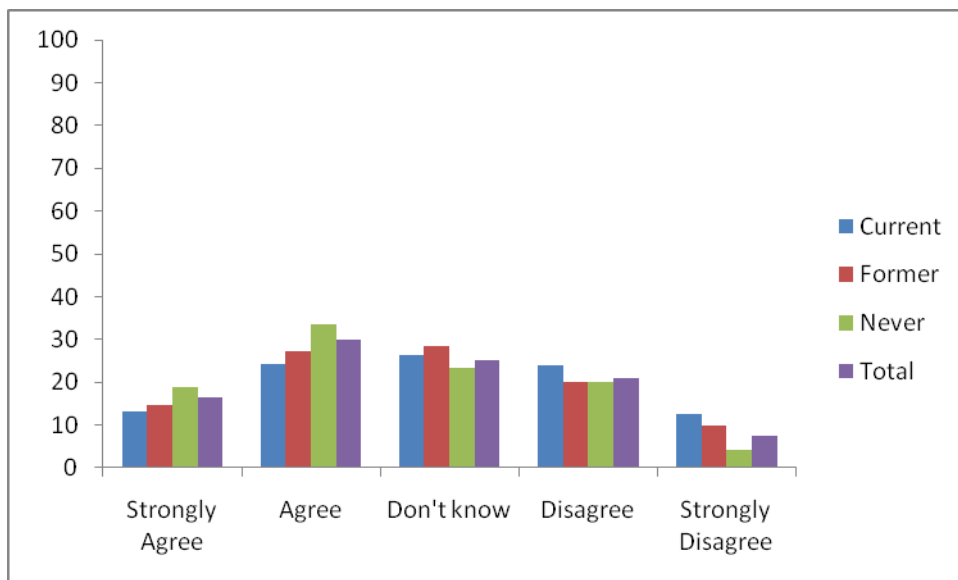
Figure 5. A young person under 16 SHOULD BE allowed to work for up to 8 hours on Saturdays (n = 790)
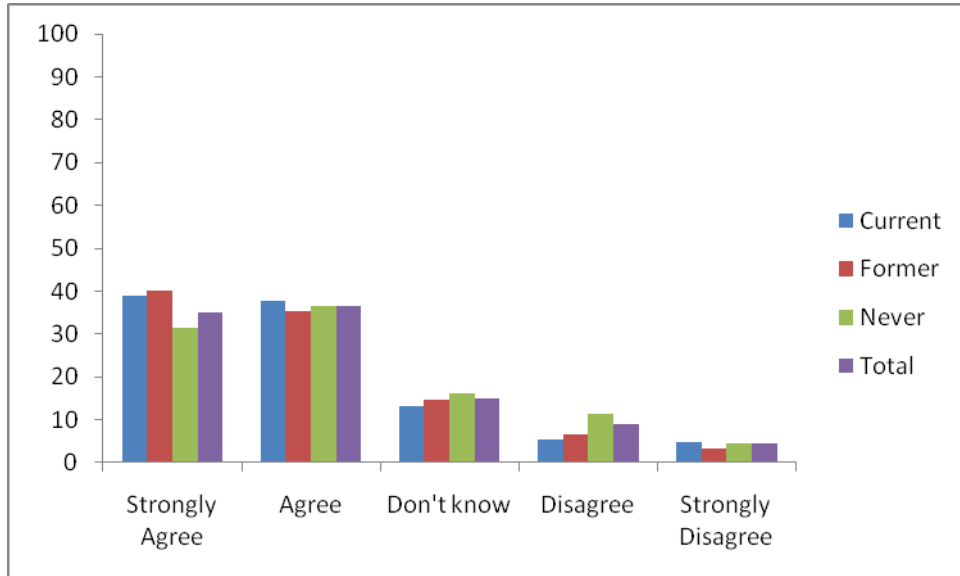

Figure 6. A young person under 16 SHOULD NOT be allowed to work for more than 2 hours on a Sunday (n = 789)
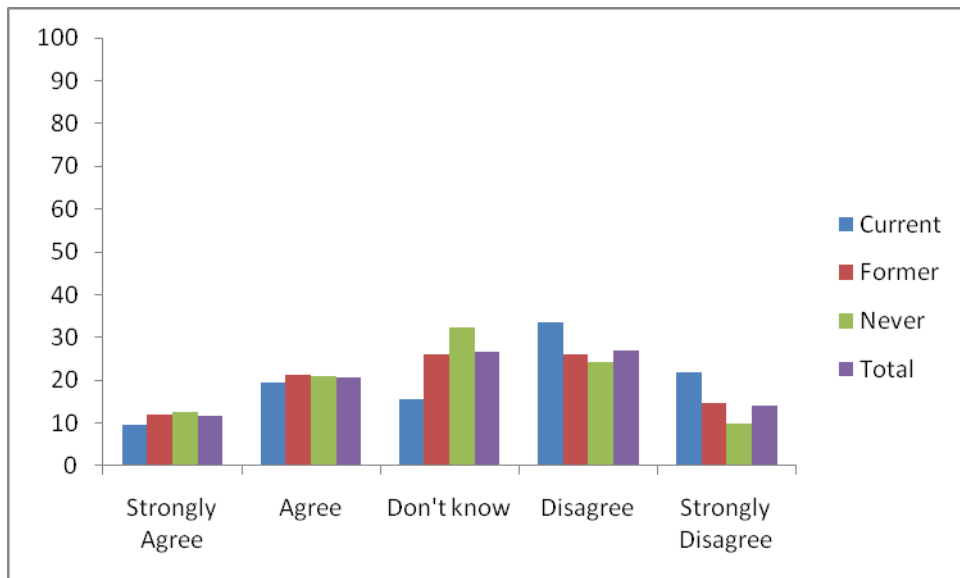
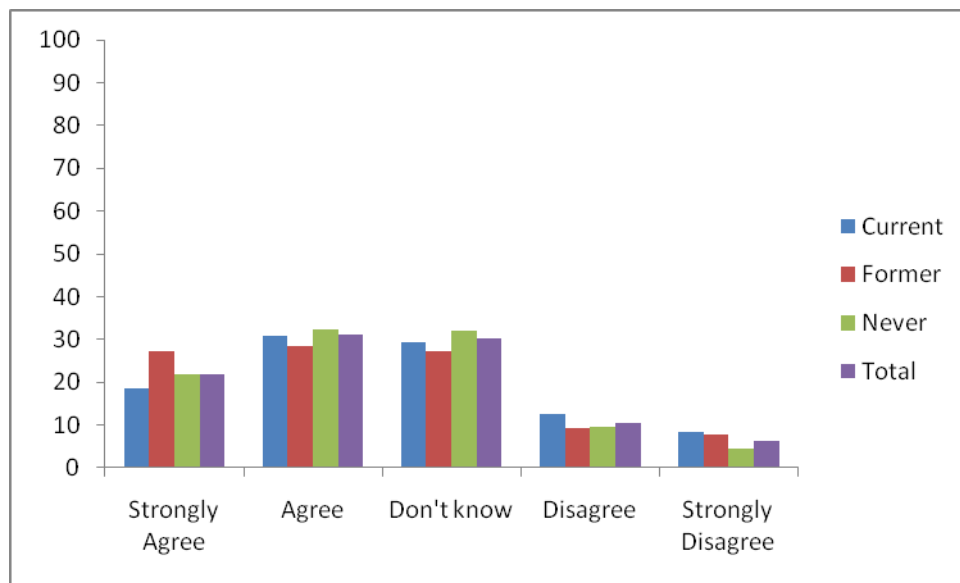Figure 7. Young people under 16 SHOULD get a permit to work (n = 784)

Figure 8. Young people under 16 SHOULD NOT need to get their parents'
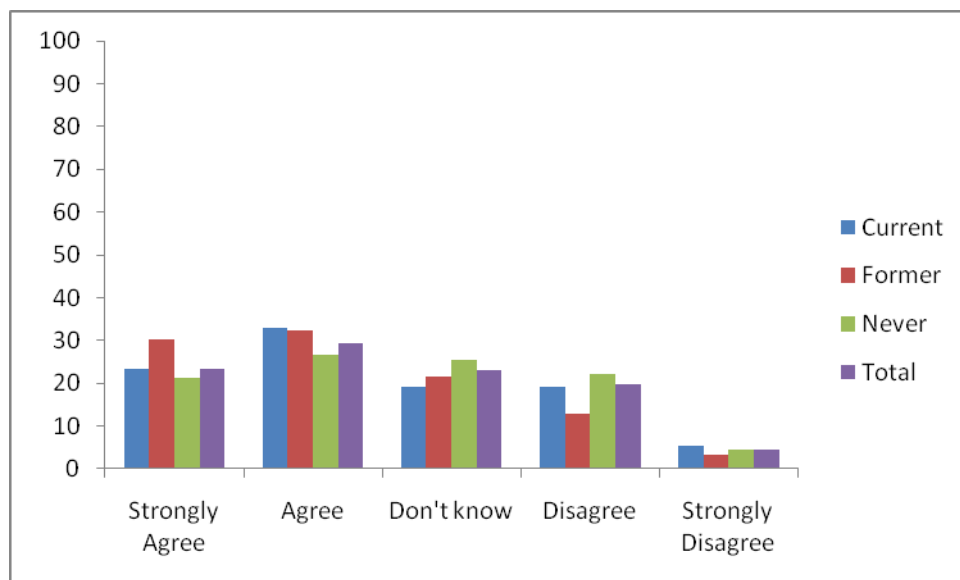permission to work (n = 785)

Figure 9. Young people under 16 SHOULD BE allowed to do any kind of work they want to (n = 787)
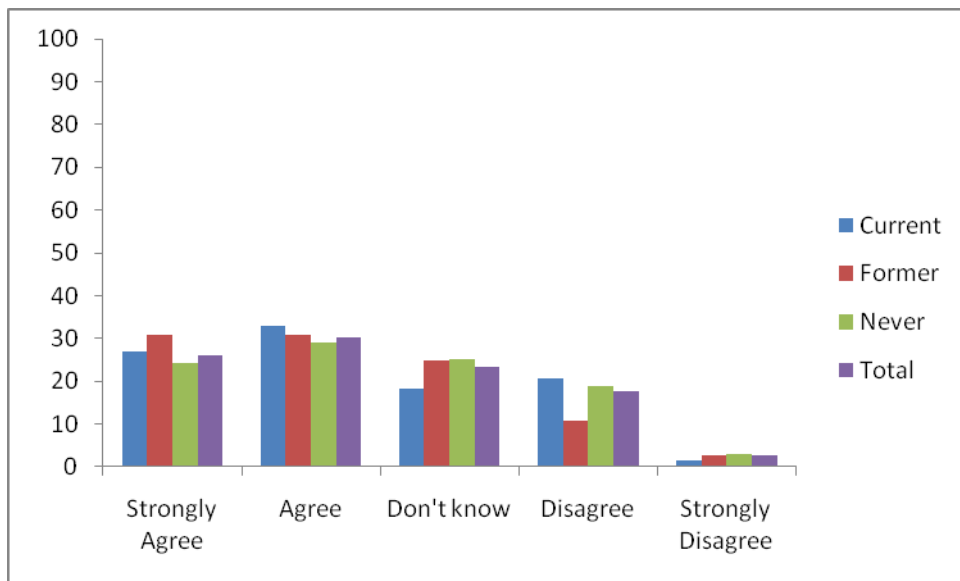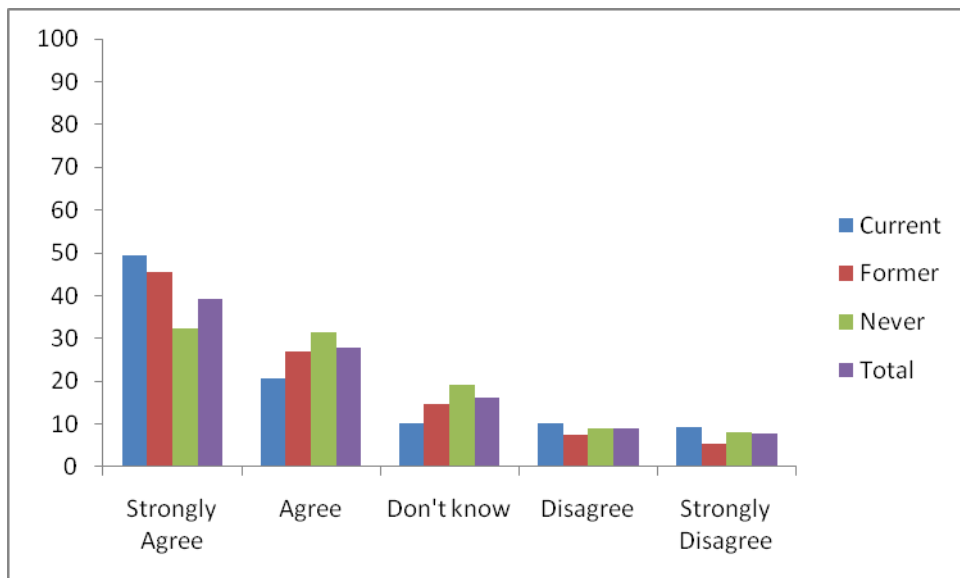

Figure 10. There SHOULD BE a minimum wage for under 16's (n = 784)

Appendix 4: Employer interview schedule

Telephone Interview note-sheet – Employers

Date of interview: -------------------

Name of person interviewed: --------------------------------------

Title/Position: --

Brief job description:

Name of business: --

Type of business: --

Phone number: --

Email address: ……………………………………………………

The first set of questions is about your business – we need to make sure we get a mixture of employers of different sizes and with different experiences

Q1. What is the size of your business?
(Prompt: what number of people are employed in this branch or business? – individuals rather than FTE)

less than 10 people	☐	11-50 people	☐
51 – 100	☐	More than 100	☐
More than 500	☐		

Q2. Are you currently employing any part-time young workers under 16 years of age who are still attending school but are too young to leave?

> YES ☐ "Yes" No. currently employed ……….

> NO ☐ "No" ask question below:

In the last 5 years have you employed any part-time young workers under 16 years

of age who are still attending school?

> Yes ☐ No ☐

Q3. [Optional if short of time]
How do you recruit young workers under 16 yrs of age?

You advertise specifically for young workers ☐

General advert that young workers answered ☐

Young people approach <u>you</u> ☐

By word of mouth ☐

e.g. family/ friends/ current workers

Via schools ☐

Via Careers or Connexions centre ☐

Other (Please say what or explain) ☐

Q4**. [Optional if short of time]**

Why do you employ young people under 16 yrs of age?

Prompts – 'some people have said…'

Flexible	☐	Cheap	☐
Suited to job	☐	Easily handled/ managed	☐
No adult applied	☐	Other	☐

These next questions are about the extent to which you know or use the current system

Q5 How much do you know about the current system for regulating the employment of child employees? What picture do you have of how it works?[Prompt if unsure or no answer – it's currently a work permit system, how familiar are you with this?]

[Follow up Q : If you currently employ young people under 16 yrs of age do they have a work permit? Remember, this is in total confidence, your answer will not be passed on to anyone, we are not interested in monitoring whether individual employers use the system or in reporting any company or person.

 Q6 Has your local authority ever been in contact with you regarding the employment of young workers under 16 years of age?

For example:
- Does the local authority routinely contact you enquiring about such children?

- Has the local authority recently provided you with information concerning the relevant laws and byelaws?

- Has there been any other sort of contact with the local authority about children working with your company or visiting your company? If so, what?
    - In particular, have you ever had work experience pupils under 16 years of age? Have they had any dealings with their LA or schools about this?)

Q7 Have **you** ever been in touch with your local authority about your young (under 16 years of age) employees?

For example:
- Do you routinely inform the local authority when such a child starts work?

- Have you asked for clarification on regulations regarding such employees?

The last set of questions is about your opinion of the present system and your ideas about possible other approaches

Current regulations require that a young person with a part-time job should have a work permit and that the employer needs to notify the local authority that they are employing someone under 16 yrs of age. Research findings show that very few of these young workers have work permits.

Q8 If the employer has young employees with work permits (refer back to Q5 response):
- What are your views on the present system?

- Does the system place demands on you as an employer? If so what?

If they have young employees and they don't have work permits explore why not, for example:

Some people have given these reasons why their employees aged under 16 don't have a work permit, do any of these reasons apply to you?

- They don't know about the regulations?

- They feel the regulations are burdensome?

- They don't think it's important or don't see the point in it?

Q9 in the light of the low levels of employed young people without work permits ***one suggestion*** is that local authorities should devote more resources to this area to improve compliance. This might be through getting staff to visit employers, or mounting a publicity campaign to employers, for example

- What do you think about such a proposal?

- How would this impact on you?

- Would it influence your employment of young people under 16 yrs of age? (ie make you more likely or less likely to take on a child employee… or not make any difference?)

Q10 A ***second suggestion*** is that an alternative to the current regulations would be to introduce an employer's registration system
[For example this might require employers to register with the local authority if they intend to employ young people under 16; require them to keep a record of their young employees under 16; be visited by the local authority under an audit/inspection system]

- What do you think about such a proposal?

- How would this impact on you?

- Would it influence your employment of young people under 16 yrs of age? (ie make you more likely or less likely to take on a child employee… or not make any difference?)

Q11 A *third suggestion* has been to issue young people with a National Insurance number when they reach the minimum age for part-time employment (e.g. 14 years of age). This would then mean that they are treated in the same way as any other part-time employee.

- What do you think about such a proposal?

- How would this impact on you?

- Would it influence your employment of young people under 16 years of age? (ie make you more likely or less likely to take on a child employee… or not make any difference?)

Follow up question- some people have said that, if treating these young people the same as others and removing the age barrier, should there be a National Minimum Wage for children under 16 years of age? What would be the implications of that?

Q12 Is there any additional information of which you feel we should be aware or any additional comments you wish to make?