[**Children’s Wellbeing and Schools Bill:**](https://publications.parliament.uk/pa/bills/cbill/59-01/0151/240151.pdf)

On 17 December 2024, The Children’s Well Being and Schools Bill was first heard in Parliament which included some proposed changes to the Child Employment Legislation.

Following a brief meeting with the DFE on 18 December 2024 here are some additional notes on the new draft legislation that came out.

It applies to **England only** – Wales will use their Byelaws until guidance / legislations catches up and then Scotland will follow with updated legislation.

This will replace the Brexit measures we were working towards. But some form of industrial undertakings / restrictions on the type of jobs will be clarified as part of additional regulations and LAs will be consulted on this.

Whilst the government has not given a definitive timeline it is likely this will be for the start of the new academic in September 2025 to give us time to introduce the various measures in the bill.

I have added some notes in yellow in the document as well.

This does reflect some of the changes we have been asking for especially around Sunday hours. Obviously, committee stages and amendments by MPS might change things but this is a good start and something we have been working towards for a long time. We will be seeking the views of members via a form in the New Year to help us feed into the discussions on regulations.

There will also be a degree of this moving at a fast pace, so we keep you all up to date with the latest changes.

The main changes are in bold below and they come from [**Children’s Wellbeing and Schools Bill policy summary notes**](https://assets.publishing.service.gov.uk/media/67619a9c1ca3ec0a49e19031/Children_s_Wellbeing_and_Schools_Bill_Policy_Summary_Notes.pdf)

**Employment of Children**

To give more flexibility to children and employers in relation to when children can work,

which will give children more opportunities to take up suitable employment whilst ensuring

their health, development and education are not adversely affected. **The measure will also**

**replace a power for local authorities to make byelaws in relation to child employment with a power for the Secretary of State to make regulation in relation to the employment of children in England. NNCEE note – byelaws will be replaced by this legislation.**

**What does this measure do and why do we need it?**

Part II of the Children and Young Persons Act 1933 (CYPA 1933) makes provision for the

employment of children in England and Wales. Section 18 of the CYPA 1933 sets out age

limits and restrictions on the hours that children can work and the type of work they can do.

These restrictions apply to children who are under compulsory school age, defined in

section 8 of the Education Act 1996. A child remains of compulsory school age until the last

Friday in June in the school year that they turn 16 years old. They also apply where a child

assists in a trade or occupation carried out for profit even where the child is not paid for

their work.

The measure w**ill remove the restriction for children to only be allowed to work for two hours on a Sunday** and allow children to work **until 8pm** instead of 7pm. We need this change to allow children to have greater opportunities to take up suitable employment. This will also

give businesses greater flexibility in scheduling children to support their demand. NNCEE notes - The limit on hours worked over a week will remain. (Sunday and Saturday will be treated the same but it is capped by the maximum working hours for the week for example in term time they can work up to 12 hours a week, this could be before and after school. Or it could be 6 hours on a Saturday and six hours on a Sunday. We have raised with the DFE the latest hour but this is in line with an [Internation Obligations section 138](https://www.ilo.org/sites/default/files/2024-04/C138_at_a_glance_EN.pdf). So, at the moment this is not possible to be a later time. But it could be the future.

Children will only be able to work with a work permit, to allow for a greater focus on

safeguarding, and only be permitted to work for an hour before school, to ensure their

education is prioritised. Most, if not all, local authority byelaws already require a work permit

and permit children to work for up to an hour before school.

It will give children the ability to benefit from additional employment opportunities that could

be suitable for them by removing outdated restrictions.

The main restrictions contained in the CYPA 1933 will remain, in particular, children will still

only be permitted to do light work which is defined as work that is not likely to be harmful to

their safety, health, or development or to their attendance at school or participation in work

experience.

The measure also replaces the power in the CYPA 1933 for local authorities in England to

make byelaws with a power for the Secretary of State to make regulations in relation to

children employed to work in England.

The regulation making power will ensure that we are able to keep a consistent approach

across England in relation to the employment of children. **We will also be able to amend**

**them to bring them into line with future societal attitudes and technological advancements**. NNCEE notes We will seek clarification on how quickly this can be done.

In addition, where new and unsuitable employments emerge, we will be able to restrict

children from doing them or allow employment of currently restricted jobs it if new practices

mean they are now suitable for children. NNCEE notes - So are industrial undertaking staying for the time being until new regulation regulations are in place.

**What is the effect of the legislation?**

All children who are employed to work in England will be required to have a permit, issued

by a local authority, to take up suitable employment.

**Sunday employment restrictions will be amended in England so that a Sunday is treated the same as a Saturday.**

Children will be able to work for up to an hour before school and until 8pm, giving greater

opportunity to meaningful suitable employment, whilst still allowing children to be children

and have access to education.

Current caps on weekly hour limits, as well as a restriction to not be allowed to work during

the school day will remain.

The Secretary of State will be able to make regulations in relation to child employment in

England which will **replace the power local authorities currently have to make byelaws,**

ensuing a consistent approach.

This will ensure that children can continue to take up suitable employment, whilst ensuring

that their health, development, and education are not adversely affected.

**How will this work in practice?**

Children will be required to have a work permit issued by a local authority if they are

employed to work in England. Currently most local authorities have byelaws in place which

require children to have work permits.

Children will continue to have strict limits on hours worked over a week and still only be

permitted to undertake light work as defined in CYPA 1933.

A child that is employed to work in England will be permitted to work until 8pm on a school

day, for an hour before the start of school and for more than two hours on a Sunday.

**Additional information on delegated powers**

**Regulations made under the new power may:**

• Prohibit the employment of a child to do work of a specified description. This is

important as it may become necessary to add new types of work to the list of

prohibited employment if that work is unsuitable for children. Conversely if the way in

which work is carried out changes, such that new processes mean certain types of

work become suitable for children, previous restrictions may need to be removed.

• Make provision in relation to child employment permits, including in relation to the

application process, granting, suspending, or revoking permits, appeals against a

decision to reject an application or revoke a permit and record keeping.

• **Authorise the employment of 13-year-old children in specified descriptions of light work.** (NNCEE notes will this be like the current byelaws and there will be new regulations defining light work.

• Specify the number of hours in each day, or in each week, and the times of a day at

which a child may be employed (subject to the restrictions in the CYPA 1933).

• Specify the intervals to be allowed to children for meals and breaks when in

employment (subject to the restrictions in the CYPA 1933).

• Make provision about entitlement to leave.

• Specify other conditions to be met in relation to the employment of children.

The power for the Secretary of State to make regulations in relation to child employment will

replace a power which is currently conferred on local authorities in England to make

byelaws. It will therefore ensure greater consistency as it will ensure that the same

regulations apply across England, rather than having an approach which can lead to

variation across different local authorities.

The power is necessary to ensure that the regulation of child employment keeps pace with

social change and ensure that children can take up suitable employment whilst ensuring

that their health, development, and education are not adversely affected. The overall

safeguards in the CYPA 1993 will also remain.

**Key questions and answers**

**Why are you making these changes?**

By making these changes we will be giving flexibility to children and employers in relation to

when children can work, which will give more opportunities to take up suitable employment

whilst ensuring their health, development and education are not adversely affected.

Replacing the power for local authorities to make byelaws with a power for the Secretary of

State to make regulations will ensure consistency across England.

The main restrictions in relation to child employment found in the CYPA 1933 will remain,

including the restriction on the number of hours allowed to work in a week and children only

being able to carry out light work.

**What will this power mean the Secretary of State will do?**

The Secretary of State will be able to make regulations in relation to child employment in

England. This will allow the Secretary of State to standardise the approach and the

restrictions to child employment across England.

The Secretary of State will also be able to ensure that if new job roles become available in

the future, that are not considered appropriate for children, that they will be able to be

quickly added to the prohibited employment list to protect children and young people

NNCEE additional notes

We have raised the questions about where educated children home fits with new employment legislation as this is not clear.

Regulations will be updated in consultation with LAs and NNCEE will begin asking las what they think should be the new types of employment to help us to discuss with the DFE the types of employment.

Issues around child employment at sporting events will remain an issue and this may need to be looked at separately.