

City of London Child Work Permit Policy v2



REVISION HISTORY

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V1	March 2020	FINAL	This is a new policy, written in line with national guidelines and local priorities
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DISTRIBUTION

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Children's Service Management Team (CSMT)	People Service	
Websites	FYI Directory and Main website	

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1) Overview

As well as employment in its normal meaning, the Children and Young Persons Act 1933 states that a person who assists in a trade or occupation carried on for profit is considered as employed even though he or she may receive no payment. This legislation does not apply where a school has organised work experience placements with an employer for students who are in secondary school year groups 10 or 11.

The rules in the Children and Young Persons Act will apply where, for example, children help their parents in a shop without receiving any payment. The words used in the Act here are a “person who assists in a trade or occupation carried on for profit”.

The legislation applies to any child or young person who is of statutory school age or younger, which is 0–16.

A young person is of statutory school age until the last Friday in June, within the academic year they turn 16. This means that a young person can be aged 15 and no longer be of statutory school age if they turn 16 in July or August.

The Department for Education (DfE) considers that any occupation where the aim is to make a profit would be considered as a trade or occupation carried on for profit so, in DfE’s view, unpaid work at a charity shop would count as employment, but not, for example, unpaid work at a youth club.

All applications will be processed against the Children and Young Persons Act 1933 (as amended) and other relevant legislation, as well as the City of London byelaws.

2) The work permit

Employers within the City of London are responsible for applying for a work permit for every child they employ within the City’s geographical boundaries. This requirement applies regardless of where the child resides. A valid work permit must be in place for each employed child to ensure compliance with child employment regulations and to safeguard the child’s welfare.

The Education and Early Years Service will issue a work permit and send it to the employer once it is satisfied that the employment is lawful and complies with the City of London’s child employment byelaws.

While the byelaws state that “the employer must send notification of the employment of a child within one week of the child being employed,” the City of London requires that full details of the proposed employment be submitted at least 10 working days before the child is due to start work. This enhanced timeframe is necessary to ensure that all safeguarding checks can be completed, and the application fully processed.

Each application must be accompanied by a clear, passport-sized photograph of the child, which may be submitted electronically or as a hard copy. Children must carry their work permit while working, as it must be produced upon request by a police officer or an authorised officer of the local authority.

Work permits are specific to the individual child, the nature of the employment, the location, and the authorised working hours. If any of these details change, a new permit must be obtained.

3) Prohibited employment

It is illegal to employ children under the age of 13 unless they are taking part in a paid

performance (such as a play or film), sport or modelling, and you have obtained a child performance licence from the relevant local authority.

No child of any age may be employed:

- 3 in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;¹
- 3 to sell or deliver alcohol, except in sealed containers;
- 3 to deliver milk;
- 3 to deliver fuel oils;
- 3 in a commercial kitchen;
- 3 to collect or sort refuse;
- 3 in any work which is more than three metres above ground, or in the case of internal work, more than three metres above floor level;
- 3 in employment involving harmful exposure to physical, biological or chemical agents;
- 3 to collect money or to sell or canvass door to door, except under adult supervision;
- 3 in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- 3 in telephone sales;
- 3 in any slaughterhouse or in that part of any butcher's shop or other premises connected to killing of livestock, butchery, or preparation of carcasses or meat for sale;
- 3 as an attendant or assistant in a fairground or amusement arcade or any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill, or similar devices;
- 3 in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult;
- 3 in or in connection with the sale of tobacco, except under adult supervision.

4) Permitted employment of children

Children aged 14 and over may be employed in light work, as permitted by law.

While the general legal position is that children under the age of 14 may not be employed, local authorities may introduce byelaws to allow the employment of 13-year-olds in specific types of light work.

Under the City of London's byelaws, a 13-year-old may be employed in the following occupations, subject to the appropriate work permit being obtained:

- 4 employed only by their parents in light agricultural or horticultural work;

¹ This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963 and associated regulations.

4.2) delivery of newspapers, journals and other printed material, and collecting payments for same. (This does not include collecting payments door to door -see point 3.9);

4.3) shop work, including shelf stacking; 5

4.4) hairdressing salons;

4.5) office work;

4.6) car washing by hand in a private residential estate;

4.7) in a café or restaurant;

4.8) in riding stables; and

4.9) domestic work in hotels and other establishments offering accommodation.

5) Permitted hours of work

5 No child can start work before 7am or after 7pm on any day, regardless of whether it is a school day, Sunday or school holiday.

5 School term time daily and weekly limits:

	Daily limit			Weekly limit
	Mon -Friday	Saturdays	Sundays	7 consecutive days
Children aged 13 and 14	2 hours (only 1 hour is permitted before the start of the school day)	5 hours	2 hours	12 hours
Children aged 15 and over but under the school leaving age	2 hours (only 1 hour is permitted before the start of the school day)	8 hours	2 hours	12 hours

5 School holiday daily and weekly limits:

	Daily limit*		Maximum Weekly limit
	Mon to Sat	Sundays	7 consecutive days
Children aged 13 and 14	5 hours	2 hours	25 hours
Children aged 15 and over but under the school leaving age	8 hours	2 hours	35 hours

5 Breaks

The law says a break of one hour must be given after four hours of continuous work. The view of DfE and the City is that, once a child has been working for more than four hours,

they must have an hour's break. It makes no difference if the child has already had shorter breaks within that four-hour period. Employers must give a two-week break from any employment within each year. 'Year' here means a calendar year, not a school year. This break must be taken during the school holidays.

6) Disclosure and Barring Service (DBS) checks

Employers must seek advice from the DBS to ensure that necessary checks are carried out with staff members who will be supervising, teaching or caring for children.

7) Breaking conditions of the permit

The City may at any time revoke a child's employment permit if it has reasonable grounds for doing so. For example, if the authority believes that the child is being unlawfully employed, or that their health, welfare or ability to take advantage of their education is suffering, or likely to suffer as a result of the employment, the permit may be revoked. **Confirmation from the parent or guardian is required to certify that their child is medically fit to be considered for employment and for a permit to be issued.**

8) Penalties

In order to safeguard the welfare of children and young people, the local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe:

- That the child is being unlawfully employed; or
- That the child's health, welfare or ability to take advantage of their education is suffering or likely to suffer as a result of the employment.

Employers could also be liable for a fine of up to £1000 if they have contravened Section 20 or 21 of the Children and Young Person's Act 1933

9) How to apply for a work permit

When a child wishes to take part in paid employment in the City – or if a company/organisation located in the City wishes to employ a young person – then an employment of children application form must be completed and sent to the appropriate officer in the Education and Early Years Service.

A copy of the form and contact details can be found in Appendix A.

Children under 13 are generally prohibited from any form of employment.
Application form to be completed by employer and an electronic passport sized photo of the child is required.

No child can start work before 7am or after 7pm on any day, regardless of whether it is a school day, Sunday or school holiday.

School **term time** daily and weekly limits:

	Daily limit*			Maximum Weekly limit
	Mon -Friday	Saturdays	Sundays	
Children aged 13 and 14	2 hours (only 1 hour is permitted before the start of the school day)	5 hours	2 hours	12 hours
Children aged 15 and over but under the school leaving age	2 hours (only 1 hour is permitted before the start of the school day)	8 hours	2 hours	12 hours

School holiday daily and weekly limits:

	Daily limit*		Maximum Weekly limit
	Mon to Sat	Sundays	
Children aged 13 and 14	5 hours	2 hours	25 hours
Children aged 15 and over but under the school leaving age	8 hours	2 hours	35 hours

*The weekly limit supersedes the daily limit in all cases; the weekly limit is the maximum amount of time a child is permitted to work in a week.

I hereby give notice that I wish to employ:

Child's name in full	D.O.B.
Child's full home address	
Child's current school	
Name of employer	Tel. No.
Address of employer	
Address at which child will be employed	
Nature of business	
Nature of employment proposed for child	
Date of commencement of employment	

Days and times of proposed employment: child to have a rest break of 1 hour after working for 4 hours

		MON	TUES	WEDS	THUR	FRI	SAT	SUN
Term time	From							
	To							
School holidays	From							
	To							

DECLARATION TO BE SIGNED BY THE EMPLOYER

In respect of this proposed employment, on behalf of the employer, I confirm that:

- the suitability of the young person to fulfil the duties has been assessed – taking into account their inexperience and lack of awareness of risks; 8
- a risk assessment has been undertaken and the parent/guardian informed of the findings and control measures introduced to reduce any risk(s) in accordance with the Management of Health and Safety at Work Regulations 1999;
- the Disclosure and Barring Service (DBS) has been contacted to find out if staff members require a basic, standard or enhanced DBS check;
- the employer holds and will maintain appropriate employer’s liability insurance; and
- the child will have at least two consecutive weeks without employment during school holidays.

Signature..... Name (block capitals)

Position in company.....Date.....

DECLARATION TO BE SIGNED BY THE PARENT (please be aware that employers are **not** DBS checked by the City of London)

- I consent to the employment and have no reason to believe that it will adversely affect my child’s schoolwork or school attendance.
- I confirm that the particulars shown are correct and that my child is medically fit to undertake such work.

Signature..... Name (block capitals)

DECLARATION TO BE SIGNED BY HEADTEACHER

I have no objections on educational grounds to this employment.

Signature..... Name (block capitals)

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The legislation that covers child employment falls under the Children and Young Persons Act 1933 (as amended by the Children (Protection at Work) Regulations 1998) and the Common Council of the City of London Byelaws 1998.

Contact details: Education and Early Years Service, Community and Children’s Services, Guildhall, PO Box 270, London, EC2P 2EJ. Email: ce@cityoflondon.gov.uk, Tel: 020 7332 1002