

rmp

## Risk control

Children and young people within a Blue Light workplace



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# Children and young people within a Blue Light workplace

## Overview

The development and promotion of work experience and apprenticeship programmes across the Blue Light services increases the probability of children and young persons being placed within dynamic workplace environments.

Schemes such as the Apprenticeship Levy have encouraged Blue Light organisations to increase the integration of young persons. Currently, all emergency service organisations offer Government endorsed apprenticeship programmes to young persons aged 16 years and over. (1)

Some Police organisations within the United Kingdom are working with persons as young as 14 years of age.

These programmes undoubtedly provide exciting opportunities for young persons to learn about the invaluable work that is undertaken by the emergency services and encourage them to consider a rewarding career path in these environments.

When inviting young persons into the workplace, either for work experience or apprenticeship programmes, organisations need to carefully consider the health, safety and wellbeing of the young persons for the duration of their stay.

This guidance note seeks to set out some of the main risk management factors that Blue Light organisations must consider when inviting young persons into the workplace. These factors include:

- Health and safety – the law and managing the risk
- Safeguarding of vulnerable groups
- Insurance requirements
- For the purposes of this guide we are adopting the following definitions
- **Young person** – anyone under the age of 18
- **Child:** anyone who has not yet reached the official minimum school leaving age. (Pupils will reach the minimum school age in the school year in which they turn 16).

## Health and Safety

Under health and safety law, every employer must ensure, so far as reasonably practicable, the health and safety of all their employees, irrespective of age (2). As part of this, there are certain considerations that need to be made for young people.

The term 'so far as reasonably practicable' means that organisations should strike a balance when considering the level of risk presented against the cost of control measures needed to control the risk. Cost can be calculated in terms of money, time and resources. In general terms, organisations do not need to take action to control risk if it would be grossly disproportionate to the level of risk presented.

The Management of Health and Safety at Work Regulations 1999 (3) clearly outlines the employer's responsibility to:

Ensure that young people employed by them are not exposed to risk due to:

- lack of experience
- being unaware of existing or potential risks and
- lack of maturity
- An employer must consider:
  - the layout of the workplace
  - the physical, biological and chemical agents they will be exposed to
  - how they will handle work equipment
  - how the work and processes are organised
  - the extent of health and safety training needed
  - risks from particular agents, processes and work

## Managing the Risk

A robust and complete risk assessment is crucial to ensuring the safety of young persons and compliance with the law. It is not sufficient to deliver to children and young persons the same information, training, supervision and protection as other employees within the organisation. Recognition as to their particular vulnerability must be highlighted and appropriate changes and additional safeguards put in place to ensure their safety and wellbeing.

It is not necessary for the employer to undertake a separate risk assessment for a child or young person, however, they must ensure that the current risk assessment appropriately considers risks for children and young persons and where a young person has particular needs that these are appropriately assessed and met.

A robust risk assessment process should firstly recognise that young persons may not recognise or be familiar with what can be deemed 'obvious' risks. Furthermore, the assessment should take account the work expected of the young person and their physical and psychological capacity to undertake such work.

Recognising that young persons physiological thresholds will generally be lower than that of adults, significant consideration should be given to whether the young person will be exposed to any harmful substances which may be detrimental to health. This would include radiation and carcinogens. Where the assessment identifies such risks then any person under 16 years of age (child) must never be exposed to these types of hazard irrespective of levels of supervision or controls.

Persons undertaking the risk assessment process must be competent to do so, and ensure that control measures identified during the process are appropriate and effective.

In higher risk workplaces the burden for employers will be greater with more attention and supervision required and in some cases additional control and adjustments may be necessary.

There are strict guidelines governing the number of hours children can work. In short, children under 13 years of age are prohibited from working other than in some areas such as television, theatre and modelling. Children can only begin to work full time hours upon reaching the minimum school leaving age and then only up to a maximum of 40 hours per week.

Children below the minimum school leaving age must not be employed in industrial workplaces such as factories, construction sites etc. except when on controlled work experience placements.

Children and young persons in the workplace on training schemes or work placements are deemed employees for the period of the placement. It therefore becomes the employer's responsibility to report matters arising out of their work.

Further guidance is available (4).

## Safeguarding children and vulnerable groups

Where volunteers will be working with children or vulnerable clients / service users, care must be taken to ensure the safeguarding responsibilities of the authority are met. The following risk control measures should be in place and included within the risk assessment process:

- Suitable references should be obtained and checked
- Suitable checks made to ensure volunteers have not been barred from work with vulnerable groups (i.e. DBS checks in England & Wales, and PVG in Scotland)
- Induction training and information provided
- On-going and update training to maintain knowledge to current standards
- Supervision and monitoring by a competent person
- Process of active and ongoing feedback from clients/service users
- Ready access to communication channels by which concerns can be raised in confidence.

## Insurance

The work undertaken by young persons directly for a local authority will generally be covered by the authority's public liability insurance.

Insurers will however want to be notified of the number of young persons employed and the type of activity in which they are engaged. In particular insurers should be notified of any plans to use young persons in activities that could be deemed higher risk.

## Collaboration

With the increase in apprenticeships and the drive for organisations to recruit and support such schemes and the pressures for Blue light services to collaborate, it becomes highly likely that a service could find themselves collaborating with local authorities and other organisations who may have young persons on work experience placements within their work places.

In these circumstances, Blue Light organisations must ensure that the young persons will not be exposed to material which could adversely affect them and that proper provisions are in place to ensure that necessary checks have been conducted (see 'Safeguarding').

## Good Practice

The following provides a summary of good practice which Blue Light organisations should use to measure the adequacy of arrangements for managing the risk of children and young persons in the workplace.

- A child/young person policy is in place which links to the corporate health and safety, risk management policy and associated guidance
- All tasks which children and young persons are expected to undertake have been risk assessed and control measures fully implemented to minimise the risk
- Any higher risk activities in which children or young persons are likely to be exposed to or engaging in are notified to the insurer prior to the event
- A detailed record or register of children / young persons on work experience is maintained and available to the Risk and Insurance Manager
- Documentation on work experience placements is retained for an adequate period, in-line with document retention policies applied to employees exposed to similar hazards
- All persons invited to work experience placements are provided with induction, site and job related awareness training to ensure they are able to carry out their role competently and safely. Training should be provided to all persons recognising individual needs and ensuring that proper support is available
- All children and young persons must be provided with appropriate levels of support and supervision which is proportionate to the risks presented by the tasks assigned and their individual needs.
- There is regular monitoring and review of the work experience placement programme to ensure risk control measures are in place and remain effective.
- Collaborative departments that make use of work placements be scrutinised to ensure they have the proper checks in place, are competent to deliver the service, are adequately insured and standards of service delivery are regularly monitored and reviewed.

The golden rule is that generally a child or young person should be afforded the level of information, training, supervision and protection as they need.

## References

- 1 Apprenticeships, traineeships and internships, UK Government: <https://www.gov.uk/education/apprenticeships-traineeships-and-internships>
- 2 Health and Safety at Work etc Act 1974: <https://www.legislation.gov.uk/ukpga/1974/37/section/2>
- 3 The Management of Health and Safety at Work Regulations 1999: <http://www.legislation.gov.uk/ukxi/1999/3242/contents/made>
- 4 Child employment: <https://www.gov.uk/child-employment/restrictions-on-child-employment>

## Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

## Get in touch

For more information, please contact your RMP risk control consultant or account director.

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