

# HEALTH AND SAFETY

## SAFETY POLICY & ARRANGEMENTS



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**Subject:** Work Experience and Young People At Work

### Introduction

**This document forms part of the National Ice Centre's organisational written safety policy arrangements.**

Departments, services or teams may consider it appropriate to develop additional guidance and systems of work on specific work related activities.

Where proposals, additional guidance or changes to systems of work will have an impact on health, safety and welfare, this will be discussed and agreed at the Health & Safety Committee.

If you have any questions or require further information or support on the contents of this document, please contact The NIC Health & Safety Advisor or Corporate Safety Advice.

### Overview Of Management & Colleague Responsibilities

#### Manager Responsibilities

Below is an overview of the responsibilities which is intended to support managers in identifying their key duties that need to be taken to comply with the requirements of this document and the safety management systems of the National Ice Centre.

- Manager must ensure someone has been appointed to be in overall charge of the young worker, including those on work placement.
- Manager must identify that effective liaison has been established with the placement organiser, including arrangements for regular monitoring and reporting of accidents and violent incidents.
- Managers must ensure a risk assessment has been carried out of the activities the young person will undertake and ensure those control measures for young people have been clearly and formally identified.
- Manager must complete place risk assessments which take account of any special health and safety needs which young workers may have as a result, for example, of any physical and learning disabilities, or health issues such as allergies, asthma and respiratory problems, heart disease, diabetes, colour blindness or use of prescription medicines.
- Manager must formally identify which work activities that the young person is prohibited from undertaking and ensure that this information is communicated to colleagues.
- Manager must ensure any necessary steps are in place to isolate or make safe dangerous tools, plant, equipment or substances.
- Manager must consider the necessary arrangements for personal safety and freedom from sexual harassment and bullying been considered.
- Manager needs to ensure that parents or guardians been informed of significant risks and the relevant control measures.
- Manager must identify the arrangements for the appropriate supervision and induction training of the young person and where appropriate, the colleagues working with that person.

- Manager needs to identify that the work tasks for young people have been properly defined and explained and a check that the young people understand what is required of them in order to protect their own safety and health and that of others.
- Managers must ensure that any young workers have been provided with the necessary information about hazards, risks and precautions prior to the commencement of any work and that this communication has been formally recorded.

### **Employee Responsibilities**

The Health & Safety at Work Act 1974 section 7 requires all employees to consider their own health & safety and the safety of others.

As an employee of the National Ice Centre, if you have concerns in relation to health & safety that is likely to cause you or someone else, injury or ill health then you must ensure that the concern is communicated to your manager immediately.

You are also required to co-operate with the management of the National Ice Centre to ensure compliance with the health & safety arrangements, policies and procedures and work to the requirements identified within this document.

## **Legal Requirements For Young People In Work**

The Management of Health and Safety at Work Regulations define a 'young person' as someone who has not reached the age of 18.

The Education Act 1996 defines a 'child' as a person who is not over Minimum School Leaving Age (MSLA). This will be 15 or 16 years old depending on when their birthday falls.

### **Employment Law & the Employment of Children**

The Education (Work Experience) Act 1973 permits children in their last year of compulsory schooling to undertake work experience as part of their education.

### **Employment of Children**

Work experience should not be confused with the employment of children, as strict legal duties apply to the employment of children. These restrictions are outlined below:

- Under the Children Act 1972, the minimum age at which children can be employed is 13.
- The Employment of Women, Young Persons and Children Act 1920, prohibits the employment of children below MSLA in industrial undertakings such as factories and construction sites. Unless they are on a work experience scheme approved by the Local Education Authority.
- Specific restrictions on the employment of children also apply between the age of 13 and Minimum School Leaving Age. (Please contact Corporate Safety Advice, if you wish for further information on these restrictions.)

### **Health, Safety and Young People at Work**

The general duties detailed below apply whether a young person is an employee, or on a period of work experience (regardless of the length of the placement).

### **Health and Safety (Training for Employment) Regulations**

Under the Health and Safety (Training for Employment) Regulations 1990 a person participating in work experience is regarded as the placement provider's employee for the purposes of health and safety.

Therefore the City Council has the same duties towards trainees from training agencies and people on work placements, as it does towards other colleagues.

### **Health and Safety at Work, Etc Act 1974 (HASAWA 74)**

HASAWA 74 imposes a general duty on employers to ensure the health, safety and welfare at work of all their employees, so far as is reasonably practicable.

The nature of this duty whilst working for the National Ice Centre will vary in relation to different groups of colleagues affected and potentially individual colleagues also.

Therefore, the system of work adopted for colleagues may not be appropriate for young persons.

In particular the duties to provide information, instruction, training and supervision may be different in relation to young persons, as may be safe systems of work.

## Legislative Compliance

Managers are required under the Management of Health and Safety at Work Regulations 1999 to undertake a 'suitable and sufficient' risk assessment before any young people commences work.

This risk assessment must take into account the fact that a young person will be less experienced and will therefore may not react to situations in the same way as an experienced adult.

Peer pressure, reluctance to ask questions and a misunderstanding of the significance of a safe system of working can all lead to young and inexperienced people over stretching themselves and having, or causing, accidents.

Managers must also consider the supervision arrangements given to young people is at a level that ensures that they are fully supervised at all times and this is formally identified.

### Carrying out a Risk Assessment of Young People at Work

A risk assessment of activities that young persons will undertake must be carried out **before** their employment or period of work placement begins.

A risk assessment template is in place to assist with this process.

Part A of the assessment considers the tasks that young people will be carrying out.

This part includes a section for identifying work factors that present additional risk to young people and a section to identify any tasks that they will not be permitted to carry out.

See 'Young People and Hazards at Work' below.

Provided that the hazards arising from the tasks and/or working environment do not change, this part of the risk assessment may be utilised for other young people.

However, Part A of the assessment must be reviewed each time a different young person comes to work in the area, to ensure that it is still valid.

Part B of the assessment should be carried out for each young person.

This section of the risk assessment must include the identification of any additional control measures that may result from:

- a) Control measures for existing colleagues that will not be in place for the individual. e.g. Personal Protective Equipment. (This may be an issue on very short work experience periods.)
- b) Information regarding the individual's medical conditions or disabilities.

### Hazards for Young People at Work

To assist managers on the potential hazards within the workplace, the '*Young Persons & Hazards Checklist*' can be used to and provides detail taken from HS(G) 165 'Young People at Work' and other relevant sources.

This checklist details specific risks to young people and the actions that must be taken and should be consulted as part of any risk assessment process to identify hazards that may present an increased level of risk to young people.

### Restrictions on Young People at Work

Young people may not be **employed** in activities where significant risks to their health and safety cannot be avoided.

However, the prohibitions on employment of young people, do not apply where they are **over** Minimum School Leaving Age (MSLA) and;

- doing work necessary for their training,
- under proper supervision by a competent person, and

- the risks have been reduced so far as is reasonably practicable.

In this context the term ‘training’ includes Government-funded training schemes for school leavers, modern apprenticeships, in-house training arrangements and work qualifying for S/NVQs.

However, the prohibitions continue to apply to children under MSLA who are employed or undergoing training such as work experience.

### **Information for Parents or Guardians**

Managers must ensure that parents or guardians of the children (i.e. those under MSLA) are informed of the findings of the risk assessment. This information may be provided via the placement organiser.

### **Induction Training for Young People**

The health safety & welfare aspects of the induction checklist given to colleagues must also be used for all young people on their first day of work, regardless of the length of placement.

In addition, the young person risk assessment **must** be used as part of the induction process and a copy of the completed risk assessment provided to the young person.

### **Reporting Accidents to Young People on Work Placement**

In addition to the existing National Ice Centre procedures for reporting accidents and violent incidents, a copy of any incident report form must be sent to the placement organiser.

## **Key Players In Organising Work Experience**

### **Duties of Education Employers**

Education employers have a duty to take reasonably practicable steps to ensure:

- The suitability of work experience placements taken up by their students, whether identified and arranged by placement organisers, or by the students themselves.
- Ensure that the placement organiser has the competence and will make the necessary arrangements for the suitability of placements.
- Provide relevant information about individuals going on placements to the placement organiser (e.g. medical conditions, disabilities).

### **Role of Placement Organisers**

Placement organisers may either be schools, or other related organisations involved in work experience.

Placement organisers must take reasonably practicable steps to ensure that students are not placed in a working environment where there are significant risks to the health and safety of the students (whether or not they are ‘young people’).

- Placement organisers should also provide relevant information about health conditions or any learning difficulties identified to the placement provider.

### **Role of Placement Providers**

Placement providers must regard any student on a work placement as their employee, with the same health and safety duties and entitlements as any other employee.

In general, the duties of placement providers are to:

- Assess the risk to young people **before** they start work.
- Ensure that the risk assessment takes into account specific factors, including their immaturity, inexperience and lack of awareness. (This risk assessment will determine whether the placement can go ahead.)
- Introduce control measures to eliminate or minimise the risks.
- Inform the young person about the significant risks to their health and safety and the control measures put in place.
- Ensure that the parents/guardians of children (i.e. those under MSLA) are informed of the key findings of the risk assessment, **before** the placement begins.

## Young People on Work Experience

Students participating in work experience have the same duties as other colleagues in the workplace.

### References & Further Information

The following information and reference material is in place to assist managers to understand their responsibilities and duties.

#### NIC Documentation and Links

- Young Persons & Hazards Checklist

#### External References

- INDG 364 – ‘Young People & Work Experience’ (HSE)
- [www.youngworker.co.uk](http://www.youngworker.co.uk) (ROSPA website).