

PROCEDURAL GUIDANCE FOR THE HEALTH AND SAFETY OF YOUNG PERSONS

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SCOPE

Services	Applicable	Comments
Trustwide	✓	

**The Director responsible for monitoring and reviewing this policy is
The Chief Executive Officer**

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Assurance Statement

The Trust is required by law to ensure the health and safety of its entire staff including young employees. Failure to implement this Policy, with associated Risk Assessment, will place the Trust at risk of breaching its duty of care under the EC Directive on the Protection of Young People at Work; Working Time Regulations 1998 (and amendments); Management of Health & Safety at Work Regulations 1999; Education Act 2011 and the Health & Safety at Work Etc. Act 1974.

Note: certain caveats have been imposed due to Covid-19, these may or may not continue in line with the spread or control of the virus, and so this element will need ongoing revision as the situation develops; it is suggested that an annual review of the covid situation is conducted in relation to this policy for the foreseeable future.

- 1.1 On employing a young person, including contractors, within a department, the manager must carry out a risk assessment using the generic risk assessment tool, prior to the young person starting work. A checklist to assist the process and some helpful guidance is attached as **Appendix 1** ("Checklist for Young Person's Risk Assessment") and **Appendix 2** ("Guidance for Young Person's Specific Risk Assessments"). The risk assessment should also take into account the control measures that are already in place and must pay detailed attention to those areas of risk described in paragraph 1.4 below.
- 1.2 Where the work has already been subject to a formal risk assessment for adult employees, it will be sufficient to review the risk assessment, taking the young person's maturity, level of knowledge and experience into account.
- 1.3 Ensure that the assessment or review of the assessment takes into account the vulnerability of the young person, due to his/her maturity, level of knowledge and experience.
- 1.4 Night Work and Health Assessments
 - 1.4.1 Young persons will not be assigned to work during the "restricted hours" (22.00-06.00 hours) unless:
 - Their health and capabilities to undertake such work have been Risk Assessed;
 - The work is required to maintain continuity, or in response to a surge in demand for services;
 - There is no adult available to perform the task;
 - The young person's training needs are not adversely affected;

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- The young person is given an equivalent period of compensatory rest;
- The young person is adequately supervised for their protection.

1.5 Daily Rest Periods

1.5.1 Young persons are entitled to a daily rest period of at least 12 uninterrupted hours in each 24-hour period in which they work.

1.6 Weekly Rest Periods

1.6.1 Young persons are entitled to a weekly rest period of at least 2 consecutive days (48 hours) in each seven-day period during which they are at work.

1.7 Rest Breaks

1.7.1 If a young person is required to work for 4½ hours or more at a time, they are entitled to a rest break of 30 minutes. The break should be taken away from their work area.

1.8 Prohibition of Work

1.8.1 Certain risks have been subject to statutory control and special legislation provisions have prohibited young people from employment in those situations. These are:

- Agriculture
- Lead
- Potteries
- Radiation
- Woodworking Machinery
- Bacon slicing machines

1.9 Working Time Limits

1.9.1 A young person cannot ordinarily work more than 8 hours per day, with a total of 40 hours per week.

1.9.2 They may work longer hours, where this is necessary, subject to meeting ALL the provisions listed in Section 1.4.1

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- 2.0 Ensure that young persons will *not* be employed in the following activities, where significant risks to their health and safety have been identified and can not be avoided i.e.
- a) Work beyond a young person's physical or psychological capacity.
 - b) Exposure to noise, vibration or extremes of heat or cold.
 - c) Work which involves exposure to hazardous substances (toxic, carcinogenic, harmful to reproduction or other chronic hazard). This will be identified using a COSHH (Control of Substances Hazardous to Health) assessment, see RM04.
 - d) Work involving the risk of accidents, (which it may be assumed cannot be avoided) by young people, owing to their limited experience, training and knowledge.
- 2.1 Assessment of the risk to the health and safety of young persons is an integral part of Controls Assurance and Risk Management and as such are the responsibility of all Trust **Directors** and **Managers** and those accountable to them.
- Managers of services employing young persons should work together in an integrated way to ensure a smooth, gradual and positive experience for the young people.
- 2.2 Staff designated as young persons at work in accordance with this policy have the following responsibilities:
- To make themselves fully aware of this policy and procedure (RM15 & RMPG15) and to abide by it
 - To co-operate with the Trust in relation to the completion of any risk assessment on the work they carry out for the Trust
 - Where applicable, to ensure they take regular breaks/changes of activity as identified by any display screen equipment workstation risk assessment
 - To notify their manager of any work-related problems they are experiencing whilst carrying out their work for the Trust; and if it cannot easily be resolved to report any health and safety related concerns using the Trust's incident reporting system, Datix
 - To report any incidents arising from the carrying out of their work using the Trust's incident reporting system, Datix
 - To contact the Occupational Health help line, if referred by their manager because of possible work-related problems associated with the work they carry out for the Trust.

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- To contact the risk management team if in any doubt about issues relating to risk
- 2.3 It is a legal requirement to carry out Risk Assessments, particularly taking into account young workers (see RM11). When completing the Risk Assessments parents or guardians must be involved and countersign the Assessment to agree with the identified risks.
- 2.4 **Young persons** and the **workforce must** be informed and instructed as to the outcomes of the Risk Assessment.
- 2.5 The Risk Team will be responsible for providing training in Risk Assessment, auditing, and monitoring of the Assessment process.

3.0 Induction and supervision

- 3.1 Ensure that, if the young person is exposed to a specific hazard, this shall only be for training purposes, and only under the supervision of a competent person and on the basis that the risks shall be reduced as low as possible.
- 3.2 Put processes in place to ensure that young persons are properly inducted into the workplace, advising them to specific risks identified in the assessment and the safety measures adopted.
- Please refer to “Checklist for Young Persons Induction” **Appendix 3**
- 3.3 Ensure a competent person carries out supervision.
- 3.4 Instruct colleagues of the young person to be extra vigilant in both protecting and guiding the person, taking into account any vulnerabilities they may have due to the knowledge and experience of the working environment and the consequent risks.
- 3.5 Maintain records of induction training, skills training, risk assessments and written detailed arrangements for supervision.
- 3.6 Routinely review the risk assessment and where any circumstances have changed or arisen take immediate action to resolve the issues and keep formal notes on the process used.
- 3.7 Provide information to parents of school age children about the risk and the control measures introduced using **Appendix 4** “Model communication to Parents/Guardians of Children” (Less than 16 years old).
- 3.8 If on any day, or, as the case may be, during any week, a younger worker is employed by more than one employer, his working time shall be determined by aggregating the number of hours worked by him for each employer. For these purposes, a week starts midnight between Sunday and

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Monday (NB school or college time does not count as work unless it is part of job related training).

4.0 HSE pandemic guidance for young workers, update 01/02/2021

- 4.1 Throughout the duration of a pandemic, it is likely that your workforce will be depleted. In these circumstances, it is important to ensure that appropriate training is given to any remaining workers who may be required to carry out unfamiliar tasks. You may also need to review risk assessments and apply the necessary control measures to take account of the reduced workforce and the remaining pool of skills available to maintain your business. Young workers and pregnant workers are particular categories of employee to be borne in mind in any temporary reorganisation of this sort and should not be substituted into inappropriate work.
- 4.2 Similarly, employee sickness absences may create a need for other employees, if willing, to work longer hours in order to keep your business going. In this event, you will need to comply with the requirements of the Working Time Regulations 1998 as amended to ensure appropriate length of daytime working hours, night shifts and rest breaks. 'Young workers' are a particular category of employee for whom you must ensure appropriate working hours. For further details see: [The Working Time Regulations \(1998\)](#).

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