

## Employment of pupils in school science laboratories and prep rooms

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There are three common circumstances in which a pupil might be working as an employee in a laboratory or prep room. These are as:

- a work experience placement;
- a part-time technician working out of school teaching hours; or
- a cleaner.

# SAFETY

In this article, the terms 'child' and 'young person' are used as they are in health and safety law; this defines a child as a person who has not reached the minimum school leaving age, and a young person as someone under 18. Therefore the term 'young person' also includes 'child'. Unsurprisingly, there are more restrictions on the employment of children than there are on young persons above the minimum school leaving age.

In England and Wales, the Children and Young Persons Act 1933, amended by later acts and regulations, governs the employment of children. Scotland and Northern Ireland have similar restrictions. There is a considerable amount of regulation that needs to be followed, including that for health and safety. Generally, a child under the age of 13 may not be employed, whether paid or not, but there are exceptions intended to cover children taking part in performances, etc.

Byelaws place further restrictions on the type of work, the conditions of work, and the hours worked each week. A child must not be employed without an employment permit issued by the Local Education Authority Education Welfare Services, or Education Services in Scotland, or Education and Library Boards in Northern Ireland. It is unlikely that a child would be issued with an employment permit to work in prep rooms (and this would extend to cleaning in prep rooms).

In England and Wales, the Education Act 1996, as amended by the School Standards and Framework Act 1998, encourages the provision of work experience to children in the last two years of compulsory education through an approved scheme arranged by the Local Education Authority (or school governing body on its behalf). There are similar arrangements in Northern Ireland and, in Scotland, children may undertake work experience from the last term of their S3 year. An employment permit is not required for this, but a child may not be given a work experience placement where it would be unlawful to employ a young person aged between 16 and 18. When a child is in a work experience scheme, he/she has the status of an employee regarding health and safety. When young persons are employed, or are on work experience placements, the Management of Health and Safety at Work Regulations 1999 (MHSWR99) – and similarly MHSWRNI2000 in Northern Ireland – require the employers to take extra health and safety precautions to make sure the young persons are not exposed to significant risks because of their inexperience, immaturity, or lack of awareness. These precautions should be decided by a risk assessment which, in some cases, may include prohibiting the young person from certain types of work. The MHSWR99 specifically restricts the employment of young persons in work that:

- is beyond their physical or psychological capacity;
- involves harmful exposure to agents which are toxic or carcinogenic;
- may cause heritable genetic damage or harm to an unborn child; or
- in any other way chronically affects human health.

There is one circumstance in which young persons above the minimum school leaving age may do these types of work. This is when the work is necessary for their training, is properly supervised by a competent person and the risks are reduced to the lowest level so far as is reasonably practicable. However, this circumstance does not apply to children on work experience placements. Furthermore, you must not allow a child on work experience to undertake a task where there remains a significant risk, even after you have done everything reasonably practicable to control it.

Before a child starts employment with you, including any on work experience, you must provide his/her parents with information on the key findings of the risk assessment and the precautions that will be taken to safeguard his/her health and safety.

### **What does this mean for the head of science?**

You must assess the risks to young persons before they start employment with you, including work experience placements, in the same way as you would for your staff, but including the extra risks arising due to their inexperience, immaturity and lack of awareness. You should include consideration of the risks from horseplay, theft, illicit experimentation, inviting friends into the prep room, and being pressurised by drug dealers into stealing equipment and chemicals.

You must put in place additional precautions, if needed, to reduce the risks and protect their health and safety, and these should include induction training covering general workplace rules, first aid arrangements and fire evacuation procedures.

You must also give instruction and training to the young persons to enable them to understand the hazards and how to carry out the tasks safely; this can be given as the work proceeds by an experienced member of staff. If you give a technician the principal task of supervising a young person in work experience, the technician's workload should be reduced so that this can be undertaken properly. If personal protective equipment is required, such as lab coats, goggles and gloves, you must supply these in sizes that fit the young persons. You must make sure that young persons take adequate breaks, so they do not become tired to the extent that they become a danger to themselves and others.

It would be unwise to allow young persons to work alone in a prep room; there should be some degree of supervision commensurate with the risks. Most schools have restrictions on pupil access to laboratories and prep rooms; the guidance from nationally recognised bodies such as ASE and CLEAPSS recommends this. The restrictions are there to protect the health and safety of people and provide adequate security, and this needs to be maintained when the young person switches from pupil to employee. You must make sure that staff keep sensitive data secure, pupil files and examination papers for instance, so that unauthorised people cannot access them.

A child on work experience should not work with hazardous materials, particularly those that are toxic or carcinogenic, nor in higher-risk operations such as those requiring face shields, fume cupboards or special safety procedures. It would be difficult to justify these operations, even with supervision; you should make arrangements to enable the child to obtain the experience of the procedures in less risky ways.

Young persons employed as cleaners present additional health and safety concerns. Either the school or a contractor may be the employer. In the case of the latter, it is the contractor who is bound by duty to carry out a risk assessment, but the school still has a responsibility to make sure that the risk assessment is adequate. It would be reasonable for you to ask to see the risk assessment. Cleaning in prep rooms is generally much more hazardous than cleaning in laboratories. During cleaning hours, the prep room may be unoccupied by all except the cleaner, but chemicals and equipment may be laid out on benches ready for the morning lessons. Young persons should not be expected to clean in prep rooms, as this would require very close supervision by someone who understands the hazards in the prep room and knows what to do in an emergency. This would be both difficult and impractical to arrange every day. It is unlikely that a child would obtain an employment permit for any cleaning that included a prep room. If you have concerns that a child is expected to clean in the prep room, and that the child has an employment permit, it would be prudent to check with the issuer to see if the permit extends to cleaning in prep rooms.

### Useful reference

*Work Experience: A guide for secondary schools*. DfES 2002. Ref: SPD/WES/01/02(rev).

#### Summary

- Pupils can undertake work experience in a prep room provided they can be well-supervised and all the conditions of the risk assessments can be met.
- Generally, it is not a good idea to employ pupils (particularly children) as part-time technicians as the supervision is likely to be inadequate.
- It is not recommended to employ pupils (or any other young person) to clean in prep room areas because the risks are likely to remain unacceptably high, and probably breach the MHSWR99. Pupils could be allowed to clean laboratories if the school can be certain that there will be no hazardous equipment or chemicals in the laboratory (including the remains of any spills), and that gas supplies will be locked off, and doors are locked to restricted areas such as prep rooms and store rooms