

FUTURE BUILDING

A GUIDE TO SUCCESSFUL WORK EXPERIENCE



classofyourown®

24 FAQS - YOUNG PEOPLE, THE LAW & INSURANCE

Insurance

Provided your insurer is a member of The Association of British Insurers (ABI) or Lloyd's of London, you can treat work experience students as employees, covered by your Employers' Liability policy.

Up to two weeks

Work experience of up to two weeks in duration will not adversely affect premiums.

Longer than two weeks

For placements of longer than two weeks, further information may have to be provided to your insurance company. ABI guidance makes clear:

“The Department for Education guidance for employers taking on work experience students gives more information about extended placements (See “Work Experience: A Guide for Employers”) Employers are advised to submit all the details set out in the form shown at Annex A of the guidance.

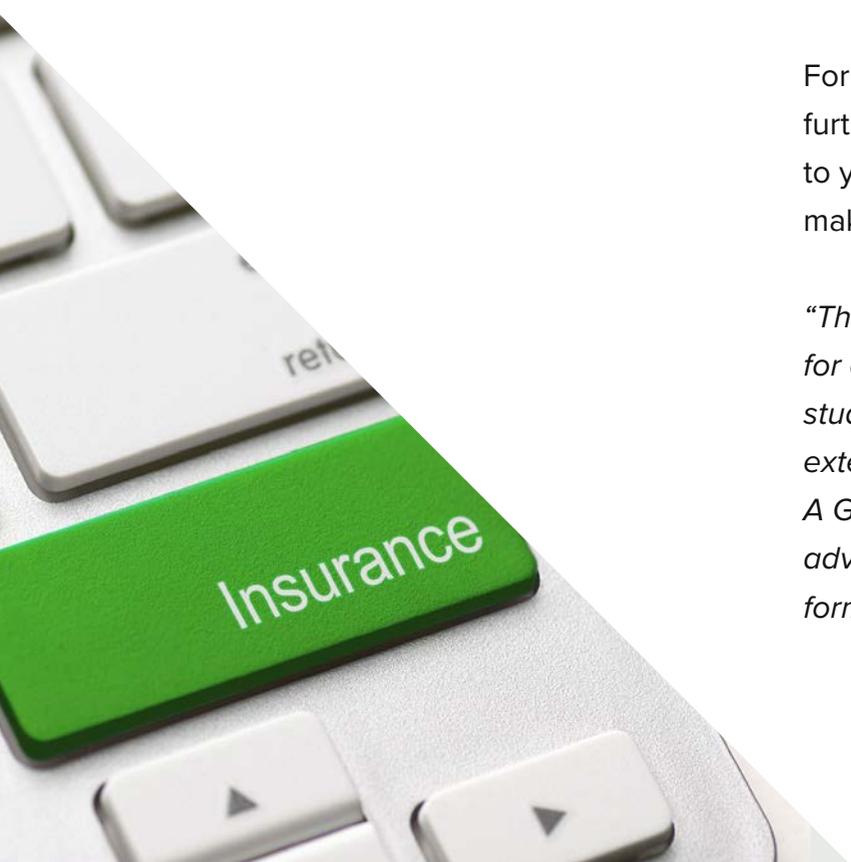
Even if the activity is likely to be recurring, it should be enough to inform the insurer on one occasion. There may be some adjustment to premiums, but it is still likely to be very small in relation to the overall size of the premium”.

In all instances if you are unsure, check with your insurer first.

Further information:

ABI guidance note >

Ministerial letter of support on insurance >



Health and Safety

The HSE has reviewed its guidance on work experience with the aim of making it clearer and less bureaucratic for employers.

The HSE has made it clear that employers can use their existing arrangements for assessments and management of risks and they won't need to be repeated for work experience students.

Controlling risk

Employers should consider that the student will lack experience, are likely to be unaware of existing or potential risks and/or may lack maturity, and that tasks may be beyond their physical or psychological capacity or involve risk of accidents that cannot reasonably be recognised or avoided by young people due to their insufficient attention to safety or lack of experience or training.

Employers are advised to adequately control any significant risks by:

- ▶ Explaining the risks during induction, checking that the student understands what they have been told and knows how to raise health and safety concerns
- ▶ Ensuring your checks are proportionate to the environment the student will be working and that reasonable adjustments have been made which reflect the ability and maturity of the young person

While young people can go on site, please check with your insurer to understand if they have any specific restrictions in place. There are legal restrictions making clear that children under 16 cannot carry out work (as part of work experience) exposing them to risks – for example, harmful exposure to toxic substances.



Health and Safety

Key points from the HSE guidance

- ▶ Use your existing arrangements for assessments and management of risks to young people
- ▶ If you have fewer than five employees you are not required to have a written risk assessment
- ▶ Placements in low-risk environments, such as offices or shops, with everyday risks that will mostly be familiar to the student, your existing arrangements for other employees should suffice

High risk environment - such as construction sites

- ▶ Avoid repeating your assessment of the risks if a new student is of a broadly similar level of maturity and understanding, and has no particular or additional needs (the organiser or parent should tell you if they have)
 - ▶ Consider what work the student will be doing or observing, the risks involved and how these are managed
 - ▶ Satisfy yourself that the instruction, training and supervisory arrangements have been properly thought through and that they work in practice
- (This will need to include additional induction, supervision, site familiarisation, and any protective equipment needed)

Further information:

HSE guidance pages on work experience >

HSE guidance on young people and the law >

Safeguarding



Over 16s

DBS (Disclosure and Barring Service) checks are not needed for work experience involving students 16 years old and over.

Under 16s

A DBS check may be required for staff supervising work experience placements for students aged under 16, if they do so unsupervised and on a regular basis.

In these circumstances the member of staff would need an enhanced DBS check with barred list information.

Full guidance is provided in **Keeping Children Safe in Education** (Department for Education).

This states that DBS checks are required for staff supervising under 16s on work experience if they do so:

▶ unsupervised

and are

▶ providing the teaching/training/ instruction frequently - at least once a week or on more than three days in a 30 day period, or overnight

Further information:

Keeping Children Safe in Education >

Payment

Current minimum wage legislations makes clear there are certain types of work experience where the national minimum wage (NMW) does not have to be paid; however other areas are more a matter of judgment.

In particular the term ‘intern’ has no legal status under NMW law. Current rules make clear that NMW does not have to be paid to young people if they are:

- ▶ Students undertaking placements for less than 1 year as part of a UK-based further or higher education course
- ▶ Work experience students of compulsory school age, i.e. under 16
- ▶ Voluntary workers
- ▶ Work shadowing
i.e. not undertaking work

School-age

Short 1-2 week placements should not be paid. Department for Education guidance makes clear that employers do not have to pay NMW to 16-19 year olds undertaking work experience as part of their study.

However, as access to the place of work can be difficult, paying travel and food expenses enables students from disadvantaged backgrounds to participate.

Internships

The CIPD’s guidance “Internships that Work” explains the situation:

“There are no laws specifically on paying interns, however there are rules for the National Minimum Wage (NMW).

If someone is expected to undertake work for any organisation, they are entitled to be paid the NMW – even if there is no written contract in place.

However, the issue of whether an intern classes as a ‘worker’ is made more complicated by the fact that, in some circumstances, they could instead be classed as ‘volunteers’ (who are under no obligation to perform work, have no contract or formal arrangement and have no expectation of and do not receive any reward for the work they do besides having their expenses reimbursed), in which case the NMW legislation does not apply. In short, if an intern is contributing to your company, has a list of duties and is working set hours then technically they should be paid the NMW”.

As this guide recommends that your interns do real work, it is therefore also recommended that companies pay their interns at least the minimum wage.

Further information:

Department for Business guidance on NMW and work experience >