



Frequently Asked Questions

Why do we have to undertake duty of care checks on work experience placements?

Duty of Care checks are not just about health and safety. They also provide a means to support the employer and gain valuable information to pass to the students about the placement. Under Section 175, Education Act 2002, the Education (Independent School Standards) (England) Regulations 2010 as amended by SI 2012/2962 and the Education (Non-Maintained Special Schools) (England) Regulations 2011. Schools and colleges must have regard to their duties to safeguard and promote the welfare of children. This still applies to students whilst they are on work experience. There needs to be evidence that safeguarding and wellbeing have been addressed. We achieve this based on our experience and feedback from employers, parents/carers and students.

Do all employers have to hold Employers' Liability Insurance or equivalent?

All work placement providers must have cover for both Employer's and Public liability insurances in order to take a student on a work placement. The ABI, BIBA and Lloyds of London have agreed that, as a matter of convention, students on work experience placements should be treated as employees for the purposes of insurance against bodily injury (that is, they will be covered by the Employers' Liability policy), where the employer is legally liable for a loss. Employers' Liability Policies must provide cover of at least £5million per occurrence.

There are situations where companies do not hold Employers' Liability Insurance but are able to take work experience placements. These include government bodies that are crown indemnified, which means that in the event of an accident the crown will pay out for compensation rather than an insurance company. Large companies, like Microsoft, self-insure themselves by holding an account with a minimum of £10 million pounds to cover any insurance claims.

Are all the employers on the database available to be used for work experience?

The database lists employers who have previously offered placements. St Peter's School stores this data in line with Data Protection Act 1998. Inclusion of an employer on the database does not mean:

- The Employer is approved for the period of the work placement
- The contact details are necessarily up to date
- They are willing to take a young person on work experience

Please email St Peter's School with any changes required to the database, including employers that wish to be removed.

Can an educational establishment use parental disclaimers to allow students to go to unapproved placements?

Parental Disclaimers' including "holiday forms" that aim to exonerate the educational establishment of their responsibilities towards students on work experience are not recognised by law, and should not be used to sanction unapproved placements.

Does St Peter's School work with placements outside of the UK?

St Peter's School does not approve any work experience placements outside the UK. Where a student wishes to undertake a work placement outside the UK the school is required to take all reasonable measures to check risk assessments, health and safety, tasks and safeguarding in line with UK regulations. St Peter's School will only look at this on a case by case basis, and it would form the exception to the rule. It is strongly recommended that any measures put in place are acceptable by



the relevant local authority. Most local authorities have guidelines for such situations and recommends that only post 16 students are considered for placements outside the UK.

How many hours can a pre-16 learner do on work experience?

The number of hours worked and the pattern of work is normally a matter for agreement by the placement provider, educational establishment and student. It must comply with the Working Time Regulations for younger workers¹. Young Workers Directive limits time to 8 hours a day and max 40 per week, normally these can be between 6am–10pm. St Peter's School advises that specific arrangements between the school, parents and employer should be in place for learners under the age of 16, where the placements occurs between 6am-8am and 8pm-10pm and at weekends.

Can students that have been excluded from education undertake work experience?

Students that have been excluded from education should be excluded from all education related activities, including work experience. However, it may be identified that work experience would provide a means of re-engagement. If this is the case, for Local Authority maintained schools, the educational establishment would need to liaise with appropriate Education Welfare Officers, so that provision can be made for ongoing support and monitoring. For non-maintained schools the decision rests with the most senior member of staff (e.g. Head Teacher). Consideration must be given to how that learner will be effectively monitored and supported.

When is a DBS check required?

The statutory obligations regarding Disclosure and Barring Service (DBS) checks are set out in Keeping Children Safe in Education, the statutory guidance on safeguarding from the Department for Education (DfE), which came into effect in April 2014. It states that in some circumstances DBS checks should be considered for Pre 16 work placements. It explains that the educational establishment decides what checks are necessary and makes this decision after considering the circumstances, including the nature of supervision and the frequency of the activity.

St Peter's School takes safeguarding seriously and discusses this with the employer. The work experience co-ordinator will discuss with the employer the duties of the student and who the student will be interacting with. A recommendation will be made regarding if a DBS check should be considered, this will depend on the location of the student, the amount of time the student will be in a solitary one-to-one working environment and if there is a residential element to the placement. The Work Experience Co-Ordinator will make a decision whether a DBS check will be undertaken. Such a decision will depend on an assessment of the overall potential risks posed to the student and will take into account any systems in place to minimise these risks. Additional consideration for a DBS check should be given if the student is identified as vulnerable for educational, medical, behavioural or home circumstance reasons. It is the school's responsibility to undertake the DBS check. It should be noted that in most cases where a student is on 'block' work experience DBS checks will not be required.

Can students work with close family members?

There is no legal reason why students cannot work with family members as long as they hold the correct insurances, see *Do all employers have to hold Employers liability Insurances or equivalent?* The

¹ www.hse.gov.uk/youngpeople/law/hours.htm



issue will be around the benefit of the experience for the young person and the learning they will get from the experience. Every situation needs to be individually assessed.

Can students attend placements that have a residential element?

Residential placements need to be considered very carefully, especially for pre-16 placements, as the school has a duty of care of the student. St Peter's School only accepts responsibility for period when the actual work experience is taking place. School needs to assess the risk to the student for the period when they are not undertaking the actual work placement. Some residential placements, for example the Army Look at Life courses are purely educational residential experiences that take place during work experience week. These should be classed by the educational establishment as such and the policies and procedures on residential experiences should be followed.

Do I need to inform St Peter's School if there are changes in placement details?

Please contact the Work Experience Co-Ordinator of changes in placement details via email if it is felt that these could affect the health and safety of the placement. These would include change of address and significant changes in tasks. If in doubt then please email the details for clarification.

When can a student who has been advanced through education start Work Experience?

Students can take part in work experience if they are at least 15 by the end of the academic year the placement takes place. If a student is chronologically in year 9, but has been advanced to year 10, they will be unable to take part in the year 10 work experience programme.

Should students still in school that are participating in Work Experience be paid?

Although a work experience student has the status of "employee" for students that are still at school no payment should be made. An employer can give support to help with travel, clothing and subsistence costs if they wish to.

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