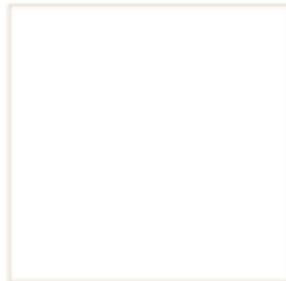
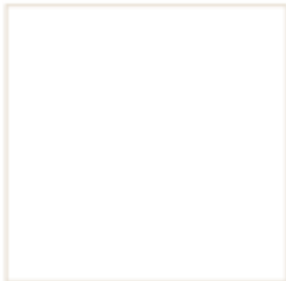
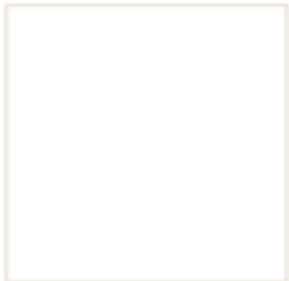


Work Experience
Practical and Legal Issues
Tabitha Cave, Partner, Veale Wasbrough Vizards





Today's session

- **Tabitha Cave from Veale Wasbrough Vizards will approach the legal issues from the perspective of the employer providing the work experience (the placement provider)**
- **Julie Hall from Connect South West will approach it from the perspective of placement organisers**



Work experience providers

Role?

- To provide safe and supportive work experience placements

What is the law ?

- The placement provider must ensure, so far as is reasonably practicable, that their employees, including students on work experience, are not exposed to risks to their health and safety.



Work experience organisers

- **schools**
- **colleges**
- **independent placing agencies**
- **specialist work experience organisations**
- **local authorities**



Work experience organisers cont-

Role?

- Arranging placements on behalf of education employers

What is the law ?

- The organiser must ensure, so far as reasonably practicable (a) the health and safety of their employees and (b) that non-employees, including students/learners on work experience, are not placed in a work environment where they are exposed to significant risk to their health and safety.



Relevant legislation

- **The Health and Safety at Work etc Act 1974**
- **The Management of Health and Safety at Work Regulations 1999**
- **The Health and Safety (Training for Employment) Regulations 1990**
- **The Education (Work Experience) Act 1996**
- **The Employers Liability Compulsory Insurance Act 1969**
- **The Working Time Regulations 1998.**



Health and Safety at Work etc Act 1974

Employers' duty

- To ensure, so far as reasonably practicable, the health, safety and welfare at work of their employees. The duty extends to the provision of plant and systems of work that are, so far as reasonably practicable, safe and without risk to health and the provision of such information, instruction, training and supervision as is necessary to ensure, so far as reasonably practicable, the health and safety at work of employees (section 2).



The Management of Health & Safety at Work Regulations 1999

Employers have particular responsibilities towards young people:

- To assess risks to all young people under 18 years of age, before they start work;
- To ensure the risk assessment takes into account their psychological or physical immaturity, inexperience, and lack of awareness of existing or potential risks;
- To introduce control measures to eliminate or minimise any risks, so far as is reasonably practicable.



The Management of Health & Safety at Work Regulations 1999

Employers should also:

- Let the parents/carers of any children under 16 know the key findings of the risk assessment and the control measures introduced, before the child starts work or work experience;
- Take account of the risk assessment in deciding whether the young person should be prohibited from certain work activities, except in specified circumstances.



The Health and Safety (Training for Employment) Regulations 1990

- **Anyone receiving relevant training (work experience provided as part of a training course or programme of training for employment or both) should be treated as employees for the purposes of health and safety legislation.**



The Education Act 1996

- **Children in their last two years of compulsory schooling take part in work experience schemes approved by the Local Authority**
- **allowed to participate in properly authorised work experience schemes in industrial as well as non- industrial undertakings, but not on ships**
- **No distinction is made between special schools and other schools, or between schools maintained by the Local Authority and those not so maintained.**



Employers Liability Compulsory Insurance Act 1969

- All employers must have insurance covering their liability for injury or disease suffered by employees, including young people during the course of their employment
- This insurance is not required for employees who are closely related to the employer and work in a family business not incorporated as a limited company, unless they are work experience
- Students on work experience placements should be treated as employees for the purposes of insurance.



The Working Time Regulations 1998

- **Young workers have special rights under the Working Time Regulations**
- **Those over 16 but under 18 and those under 16 on approved work experience schemes:**
 - **Are limited to 8 hours working time a day and 40 hours per week (unless there are special circumstances);**
 - **Must not work between 10pm and 6 am or between 11 pm and 7 am (except in certain circumstances);**
 - **Must have 12 hours' rest between each working day;**
 - **Must have 2 days' weekly rest and a 30 minute in work rest break when working longer than 4.5 hours.**



HSE Guidance - Work Experience

- Guidance for placement providers on managing health and safety can be found on the HSE website at www.hsc.gov.uk/youngpeople/workexperience/placeprovide.htm
- A written guide produced by the HSE in 2000 entitled “Managing Health & Safety on Work Experience”
- A written guide was produced in June 2011 by the HSE entitled “Learner Health , Safety and Welfare”



Cautionary tales – prosecutions by HSE

Adis Scaffolding Limited (19/05/2005)

- **15 year old boy on work experience**
- **Alighted from a moving fork lift driven by a 16 year old unauthorised driver**
- **Sustained fracture to ankle**
- **Fine £10,000**
- **Total costs awarded to HSE £3,046.56**



Cautionary tales – prosecutions by HSE

Malcolm Robinson (9/03/2005)

- **15 year old work experience student placed at Metalfab Engineering**
- **Left arm became entangled in a rotating spindle**
- **Fractures to arm and hand**
- **No risk assessment had been completed**
- **Fine of £3,000**
- **Total costs awarded to HSE £4,043.52**



Cautionary tales – prosecutions by HSE

Hockmeyer Motors Limited (07/02/2008)

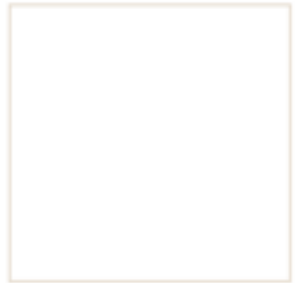
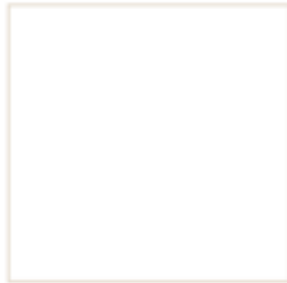
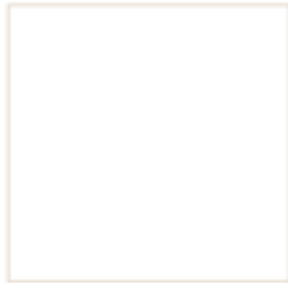
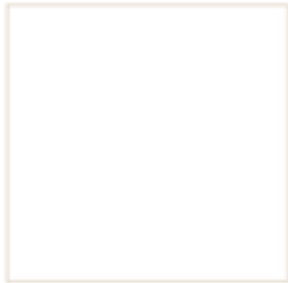
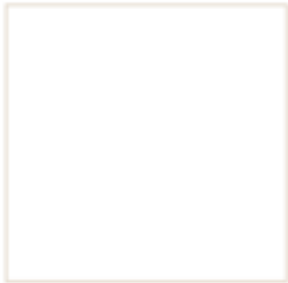
- **Young person suffering burns following use of a flammable solvent as a spray cleaner**
- **Fine £15,000**
- **Total costs awarded to HSE £9,000**



Cautionary tales – prosecutions by HSC

Alan Fleischer Builders Limited (13/03/09)

- **15 year old boy on work experience**
- **His duties included general labouring**
- **Fell from a ladder suffering bruising to his left side**
- **Total fine £1,500.**
- **Total costs awarded to HSE £1,320**



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