

## INSURANCE

**This guidance is designed to support agreements on insurance procedures outlined in Section 2 & 3 of this manual, the Partnership and Service Agreements**

### 1. Requirements for schools

The DfES guidance is emphatic that schools should check that employers with whom students are placed for work experience have suitable insurance arrangements in place. The policies of most employers will cover the risks arising from student visits providing the insurers have been informed, in advance, of the activities planned. Where an LEA maintains its own "Register of Work Experience Hosts", or similar, it is likely that suitable insurance arrangements are already in place and the school's checking procedure can be correspondingly simplified.

### 2. Types of Insurance

The DfES guidance identifies the following range of risks for which insurance is required:

- a) Legal liability for death, illness or injury of the students during the course of their placement. (Employers Liability)
- b) Legal liability for death, illness or injury incurred by student to others such as employees, visitors or customers (Public Liability)
- c) Legal liability for loss of, or damage to property of the employers, other employees, visitors or customers. (Public Liability)

**Insurance is a complex issue that can change on a regular basis. It is essential that for the protection of the Learning Base, the provider and the student that the advice in this guidance is followed.**

**Wolverhampton Schools please refer to Section 7 page 2 to ascertain the exact cover provided under the authority scheme.**

### 3. Wolverhampton Schools Only

Schools currently purchasing the insurance provided by the Director for Finance and Physical Resources are covered by a package of insurance described in the 'LMS Guide to Insurance Arrangements' issued by and available from, the Risk Management and Insurance Services (RMIS), Finance and Physical Resources, Civic Centre, on 01902 554565.

This package includes all the insurance necessary for any off site activity within the UK, including Liability and Personal Accident. The Personal Accident Insurance applies to all students at any time they are participating in education authorised by the host school and including travel to and from the placement.

All placements should normally be confined to the U.K. **If placements involve working or visiting overseas** Travel Insurance should be discussed with David Johnston, RMIS.

Foundation Schools and other City establishments **might not** be included in this package of insurance and **must** ensure that similar insurance arrangements are in place.

**Advice on any complex questions referring to matters of insurance must be referred to the Risk Management and Insurance Services, Finance and Physical Resources.**

**Tel. (01902) 554565**

#### 4. Motor Insurance

a) It is an offence to drive without appropriate insurance. Members of staff or voluntary helpers using their own vehicles on off-site journeys should ensure that their own motor insurance applies in these circumstances.

b) Motor insurance which includes personal business cover for the driver in question will normally automatically provide the appropriate cover. If anyone is in doubt about the adequacy of their cover they should obtain written confirmation from their own motor vehicle insurers that their cover is sufficient.

c) The onus for pointing out the necessity of having appropriate cover rests with the host school organiser. The driver's details form should be obtained and retained by the host school. A sample form is provided in Appendix 9 of the LMS Guide to Insurance arrangements.

#### References

The *SHA Guide for School and College Managers* and *WCC Guidelines for Off-Site Visits*

See Appendix 6a for extract from the *DfES Work Experience: A guide for secondary schools*

LMS Guide to Insurance Arrangements, Risk Management and Insurance Services (RMIS), Finance and Physical Resources, Civic Centre on 01902 554565

DfES guide, *Work Experience: A Guide for Secondary Schools*, available from DfES

publications tel: 0845 6022260



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## INSURANCE CHECKLIST

Name: ..... Role: ..... Date: .....

		Yes	No	Don't know	Action needed
1	Do all the Providers used by your students have Public Liability Insurance with a minimum limit of indemnity of £5m and Employers Liability Insurance?				
2	Has the Provider informed their insurance company that students will be involved in work as relevant, eg for one or two years not just a short work experience, and provided details of the activities involved?				
3	Have checks been made to ensure that there is Comprehensive Motor Insurance in place for all minibuses likely to be used to transport students and does the cover include use for the transportation of students?				
4	Have all drivers of private cars used to transport students been asked to ensure that their motor insurance includes personal business use?				
5	Are you aware of the level of cover provided in the <i>'LMS Guide to Insurance arrangements'</i> ?				
6	The regulations appertaining to " family businesses", where a young member of the family is on placement, are different from the regulations for other types of Learning Provider. Have you taken out insurance to cover such a situation?				
7	Do all the Learning Providers you use have public liability insurance which would safeguard not only students on placement but also safeguard Learning Base Staff who are visiting or working on the premises?				
8	Has the person I/C of Work experience consulted Annex B of the <i>DfES Work Experience Guide</i> , eg about their responsibility to notify employers well in advance of any behavioural or medical issues?				

**APPENDIX 7A**

## Insurance Arrangements

One of the most important requirements is to ensure that employers offering work experience placements have suitable insurance arrangements. Most employers are required by the *Employers' Liability Compulsory Insurance Act 1969* to have insurance to cover their employees (this is subject to certain specified exceptions, e.g. a family business unincorporated as a limited company, whose employees are all close family relatives). There is no statutory requirement for employers to carry insurance relating to non-employees.

There has been some concern that a work experience placement student would be classed as non-employee. In response to this, the Association of British Insurers (ABI), the British Insurance and Investment Brokers Association and Lloyd's of London, have agreed that, as a matter of convention, students on work experience placements that meet the requirements of the Education Act 1996 should be treated as employees with regards to employers' liability insurance so long as the insurer has been notified. The ABI has confirmed that cover will also be applicable to extended placements. **However not all insurance companies are ABI registered and confirmation needs to be sought that placements are classed as employees for the duration of the placement.**

Employers' liability insurance will cover the majority of risks which might arise during the work experience placement but only as long as the insurers have been notified in advance of the placement, including details as to the duration and type of activities involved.

### Risks

The main risks associated with a work experience placement include: -

- injury to the student
- injury to other people on the premises such as employees, customers or visitors
- injury to other people not on the premises including customers and members of the public
- damage to or loss of employers' property
- damage to or loss of other property.

Legal liability for injury to the student or to an employee will be covered by the employers' liability insurance. Damage to the property of the employer will normally fall under the material damage policy of the employer. However where there is legal liability and damage to any property occurs as a consequence of the placement the costs will be met from the employers or the school's and usually from the Public Liability Insurance.

**It should be noted that students on work experience are not entitled to compensation under industrial injury compensation schemes.**

### **Organisation and Planning**

The role of the school's work experience organiser is key. Areas to focus upon include the need to adhere to the *Education Act 1996* provisions strictly. If a work experience student is, for example, under the statutory age then this will invalidate any protection offered under the convention by the employers' liability policy and may make the organiser liable, especially if injury or damage has occurred. Organisers must also be aware of the medical or behavioural backgrounds of students and ensure that the placement is appropriate for these students. Whilst organisers are not expected to check the fine print of employers' insurance policies, they do need to ascertain that such policies exist. It is strongly recommended that organisers make use of the checklists found in Annexe B of *Work Experience: a Guide for Secondary Schools* to fulfil this responsibility.

Work experience can be of real benefit to students and most placements are both successful and safe. However, thorough planning of placements is necessary to achieve this goal.

Schools must ensure that their work experience programme complies with the letter of the law, and secondly, it is essential that students and placements are matched appropriately. Fundamentally, assurances, preferably in the format suggested in the DfES guide, *Work Experience: A Guide for Secondary Schools*, (available from DfES publications tel: 0845 6022260) must be obtained from employers as regards their insurance cover. In order for the employer to adequately notify their insurers of all details which may affect their policy information such as the behavioural or medical background of students must be transmitted to the employer as early as possible.

### **Travel to and from Placements by Students**

For students from schools participating in the package of insurances provided by the Director of Finance and Physical Resources personal accident insurance is in place. Details can be found in the LMS Guide to Insurance Arrangements. This cover is applicable to all students and has been extended to include any journeys directly connected with placements including commuting directly to and from the placemat.

Host Schools not participating in this package may wish to consider purchasing similar cover if it is not already in place.