



HERIOT-WATT UNIVERSITY WORK PLACEMENTS

RISK & INSURANCE

The University has to be able to demonstrate that it has taken reasonable steps to ensure the health and safety of its students while on placement. In the case of UK placement providers, this involves ensuring that providers are covered by, and comply with, UK Health and Safety legislation. International work-based placements are more complex. Schools must not approve placements where there are concerns about unreasonable hazards. Where a student arranges his/her own work placement, the student must pass information to the School which will then take responsibility for assessing the level of risk before approval. If in doubt about any particular arrangement, the School concerned should consult the School Safety Officer or the Health and Safety Office for advice and guidance.

Schools' responsibilities:

Making sure a risk assessment of the placement and the placement provider has been completed. This should identify all potential risks upon the student and put in place a plan to prevent or minimise these risks. Contact the School Safety Officer or University Health and Safety Office for more advice on completing risk assessments.

Ensuring the appropriate student has been selected for the appropriate placement, e.g. appropriate for students with health issues or disabilities.

Making sure that adequate checks are carried out to ensure that the placement is reaching academic and work place expectations.

Ensuring that the placement provider's insurance cover is current and adequate.

Making students aware of their responsibility for their own Health and Safety and that of others during the placement.

Ensuring that, where the nature of work carries particular identified risks, appropriate precautions are taken. The School Safety Officer should be contacted for advice and guidance.

Ensuring that students understand the insurance arrangements under which they are undertaking the placement and have taken out appropriate personal insurance. Contact the Group Risk Office for assistance.

Reminding students to seek medical advice about vaccinations for placements abroad. The University Medical Centre provides a weekly travel clinic where students who are registered

with the practice can obtain the appropriate medical information/vaccinations. Students who are not registered with the University Medical Centre should be referred to their own doctor.

Ensuring that health, safety and welfare issues are included in student feedback on the placement, within questionnaires and in debriefing sessions.

Taking steps to withdraw a placement location where reasonable health and safety cannot be guaranteed. In extreme cases students should be brought home from the placement location. Advice and guidance can be sought from the Health and Safety Office.

Ensuring that any overseas locations offered to students pay due regard to Foreign and Commonwealth Office guidelines on the safety and risk of travellers and residents in specific countries abroad. **Schools must not authorise travel to a country where the Foreign and Commonwealth Office has advised against all travel or only essential travel to a particular country.**

Ensuring that students who are undertaking placement outwith the UK complete the on-line travel risk assessment at least 14 days prior to departure and have been provided with the travel insurance handbook and the emergency insurance card.

A work-based risk profile tool can be found in the appendices to assist Schools.

INSURANCE

Public Liability Insurance

The University's public liability insurance covers its legal liability for loss, damage or injury that occurs to a third party. Public liability insurance protects the student while he/she is on placement, for damage, loss or injury caused to the placement company/institution, if the University is found to be legally responsible for that damage, loss or injury. The same public liability insurance also covers the student for loss, injury or damage they may suffer themselves, again only if the University is found to be negligent and legally liable.

What the University does not cover

The University's insurance cannot cover anything that is the legal liability or responsibility of someone else. As the placement provider has control of the student while they are on placement, many responsibilities are their legal liability.

Therefore any injury, loss or damage that the student may cause whilst they are under the supervision of the placement provider is the responsibility of the placement provider.

Similarly any injury, loss or damage suffered by the student while they are under the supervision of the placement provider is also the responsibility of the placement provider.

Criminal acts committed by the student are not covered under any insurance arrangements.

The students' responsibilities

Not all legal responsibility for the placement lies with the University. For example students have a responsibility to act in an appropriate manner, keep in contact with the University to report any problems with the placement and check that indemnity is given to them by the placement provider.

Postgraduate and Undergraduate students who travel abroad on placement can be insured for a maximum period of 12 months under the University's Travel Policy. For all placements exceeding 12 months, additional premiums will be payable by the student. Please contact the Group Risk Office if cover is required for longer periods. All students who take placements within the UK should also ensure that their personal insurance is adequate to cover their possessions, personal liability etc.

If the student uses their personal car for travel to and from placements or for the activity of the placement, then they need to check that cover is either offered by their personal motor insurance or by the placement provider. The University *does not* hold this cover.

The placement provider's responsibilities

While the student is on placement and working under the placement provider's supervision, that placement provider has a number of responsibilities:

To provide an appropriate Duty of Care and be responsible for the health and safety of the student.

To provide full supervision and alert the University of any potential problems with the placement.

To ensure that the work experience fulfils the needs of the student placement.

To provide adequate insurance liability cover.

Unless a company can demonstrate that they can provide all of the above, then they should not be approved to become a placement provider.

From time to time the University may be asked to sign a contract with the placement provider that asks for the University to indemnify the placement provider against "all loss or damage" arising from the placement. **No-one from the University should sign such a term as our insurance cannot meet this requirement.**

What insurance the University should require from the placement provider

In the UK it is a legal requirement for employers to hold employers liability insurance, and UK employer's liability policies classify work experience or placement students as employees. Therefore in the event of an accident at work arising from the placement provider's negligence, the student is covered in the same way as their employees. Sole traders are not legally required to have employer's liability insurance, but as soon as they take on a placement student they effectively become an employer, so a sole trader must be advised to take out employers liability cover if they are taking a student on placement.

Although it is not a legal requirement, all reputable employers in the UK should also have a current public liability policy, which will also protect the student against claims brought against the placement provider by other third parties.

In line with the above, because placement companies need to have both employer's liability and public liability policies in place to meet their legal liabilities towards our students, the University should check that all potential placement companies have adequate and current policies in place. Before a placement is approved, the placement company should be asked to declare details of their employers and public liability insurance (please see Step 2 of the appendices):

Please note that there are circumstances where the placement provider may not be obliged to provide insurance, e.g. the NHS (self-insure) or the MoD (no insurance) or Local Authorities.

Placements abroad

The above information about employers and public liability should also be asked of placement providers who are based outside the UK. Placements abroad have added complications by the fact that every country may not have the equivalent to the UK's employers or public liability. Some have voluntary or statutory workers compensation schemes run by the state that offer fixed compensation to people who are injured at work, but in some countries placement students are not offered protection from these schemes for various reasons.

If the placement company cannot provide confirmation that there is an equivalent policy or scheme in place to protect the student, then this gap in cover should be explained to the student by the Placement Tutor. The student should be advised to purchase personal accident insurance which should provide some fixed benefit in the event of death or permanent disablement arising from an accident at work, but without an employer's insurance policy or scheme to protect them the student is unlikely to receive any compensation from the company if they suffer an injury at work.

Further information

If you require confirmation of the current policies that the University has in place, or have any other queries, please contact the Risk and Audit Service on 00 44 (0)131 451 8087 or email Lorraine Loy at L.Loy@hw.ac.uk

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