

Work-Related Learning and the Law in Nottingham and Nottinghamshire

A guide for all partners and providers of
Work-related learning for young people

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Produced in partnership by the WRL Steering Group:



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Glossary

14-19 curriculum	The curriculum for Years 10, 11, 12 and 13
ABI	Association of British Insurers
ASG	Area Strategy Group - in Nottinghamshire: Ashfield, Bassetlaw, Broxtowe, Gedling, Mansfield, Newark & Sherwood, Rushcliffe,
BTEC	Business & Technology Educational Council
CEI	Centre for Education & Industry (Warwick University)
CRB	Criminal Records Bureau
CWO	Central Work Experience Organiser
DfE	Department for Education
Diplomas	National applied qualification introduced September 2008
EBF	Education Business Futures
ELI	Employers Liability Insurance
EVC	Educational Visits Co-ordinator (every school should have a designated member of staff)
HASP	Health and Safety Procurement Standard
IAG	Information, Advice and Guidance
ISA	Independent Safeguarding Authority
KS3	National Curriculum Key Stage 3 (Years 7, 8 and 9, age 11-14)
KS4	National Curriculum Key Stage 4 (Years 10 and 11, age 14-16)
KS5	Key Stage 5 (Years 12 and 13, age 16-18)
LA	Local Authority
NOCN	National Open College Network
NVQ	National Vocational Qualification
OVC	Offsite Visit Coordinator
PAI	Personal Accident Insurance
PLI	Public Liability Insurance
SLA	Service Level Agreement
VBS	Vetting & Barring Scheme
WRL	Work- related learning

Throughout this document the term 'safeguarding' children is used. Safeguarding and promoting the welfare of children is defined as:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- And undertaking these responsibilities to enable children to have optimum life chances and to enter adulthood successfully.

At certain points the term 'child protection' is used. This is the term that describes work with individual children who have suffered, or are at risk of suffering, significant harm. It is a key element of safeguarding and promoting the welfare of children.

The documents that set out the government guidance on these matters are;

- **'Safeguarding Children and Safer Recruitment in Education 2007'** – key extracts relating to WRL are included in this document
- **'Working Together to Safeguard Children 2006'**
- **'What to do if you are worried a child is being abused'** see <http://publications.teachernet.gov.uk/eOrdering/Download/6841-DfES-ChildAbuseSumm.pdf>

Please also refer to Nottinghamshire Safeguarding Children Board Child Protection Procedures at http://www.nottinghamshire.gov.uk/home/social_care/childrenandfamilies/childprotection/nscb.htm

Vulnerable Groups Act 2006

The Safeguarding Vulnerable Groups Act which came into force in November 2006, heralds very significant changes in the way that people who work with children or vulnerable adults are vetted.

Independent Safeguarding Authority – Vetting and Barring

In its recent document **'The Coalition: Our programme for government'**, the Government set out its aim to 'review the criminal records and vetting and barring regime and scale it back to common sense levels'. In order to deliver this promise and carry out the remodelling, the Vetting and Barring Scheme was halted. The first phase of registration was due to commence on 26 July 2010. Although the Scheme is halted whilst the Government undertakes its review, new safeguarding regulations introduced in **October 2009 continue to apply. Therefore the information contained in this document was accurate at the time of print and will be updated as appropriate.**

1. Introduction

Members of the Nottingham and Nottinghamshire Local Authorities Education Business Partnership Group wish to promote and support quality work-related learning programmes as part of their 14-19 strategic plans.

Our goal is to enable all learners to work towards and achieve approved qualifications from their WRL programmes, supported by the provision of quality WRL placement opportunities with clearly stated learning outcomes. Quality WRL placements are seen as an essential ingredient for the successful delivery and outcomes of a well planned WRL programme.

In the delivery of 14-19 WRL programmes, all partners should recognise their distinctive and cooperative roles and their commitment to align strategic planning and collaborative action in order to:

- Provide an entitlement for all Key Stage 4 learners to have access to approved and accredited WRL qualifications
- Promote Key Stage 4 WRL participation, achievement and development
- Focus and embed WRL within the mainstream 14-19 curriculum
- Improve the learning experience and achievement of participating learners
- Offer a vocational learning pathway through the 14-19 phase of education with clear progression opportunities
- Establish a coherent approach to the provision of support and funding for WRL programmes
- Promote the health, safety & welfare of learners engaged in collaborative curriculum experiences
- Recognise and value the contributions of learners

Background

This guidance has been written to update the 'Work-Related Learning' guidance that was issued to schools by the then WRL Partnership in 2007. Since that time a range of national guidance has been produced by the former DCSF and other national bodies, and this document provides a local context to the national guidance. Throughout the local guidance, references have been made to relevant national documents and websites.

The guidance is intended for use by schools, providers of WRL opportunities for young people including colleges, training organisations, community and voluntary groups, and employers, as well as staff in local authorities and other organisations supporting young people to gain experience of the world of work.

The guidance is written in the context of 'Every Child Matters' which sets out the requirements to safeguard children. In this respect the aim of the government is to ensure that every child, whatever their background or circumstances, has the support they need to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well being

To achieve this every locality may have Children's Trust, or trust style arrangements. However, the Government has also stated that there is a duty on all agencies to make arrangements to safeguard and promote the health and welfare of children.

Governing bodies are accountable for ensuring their school has effective policies and procedures in place to safeguard and promote the health, safety and welfare of their learners (Section 175 of the Education Act 2002) and Safeguarding and Safer Recruitment

Local authorities have a responsibility to monitor schools' compliance with carrying out these responsibilities and for taking appropriate action where there is evidence that this is not the case.

How to use this guidance

For ease of reference, the chapters in the guidance are set out in the same order followed in the DCSF publication, '*Work-Related Learning and the Law, Guidance for schools and business link practitioners*' published in 2006.

Each chapter contains:

- Background
- Quality Assurance
- Questions and Answers (where appropriate)
- Checklist
- And finally

Key points are summarised in the Management checklist on page 6.

Documents and procedures on generic issues can be found in the Annexes.

Throughout this guidance a learner is anyone who has not yet reached their 18th birthday or is a vulnerable adult up to age 25.

Management Checklist

1. Governing bodies are ultimately responsible in schools for safeguarding, and health, safety and welfare issues relating to WRL. Governors should be made aware of these responsibilities and must designate a member of the governing body to undertake the lead on this responsibility.
2. Schools are responsible for safeguarding all young people on their roll. Placing them with other providers, or inviting other providers into the school, means that there may be joint areas of responsibility, but the ultimate responsibility will remain with the school where the learner is enrolled.
3. Local Authorities have the duty to ensure that schools are carrying out their responsibilities. Nottingham and Nottinghamshire Local Authorities will implement a process for monitoring schools.
4. Schools should ensure that there is a designated member of staff with overall responsibility for all WRL activities in order to ensure a uniform standard of quality and that good practice is identified and passed on to the benefit of all.
5. The needs of the learner should be the prime consideration. Issues of health and safety and safeguarding should generally always override issues concerning data protection, disclosure and parental responsibilities. Whenever there is any doubt or debate it is sensible to take advice, either from senior colleagues in school or from relevant staff in outside agencies. It is also good practice to record in writing what the issue is, the range of responses received from those approached for advice, and the reasons for your decision. To have thought about something and done nothing further is not a satisfactory defence in law.
6. Schools should ensure that there are strong links between the member of staff responsible for WRL, the Educational Visits Co-ordinator (EVC) and the named person for child protection. There is excellent national and local guidance on health, safety and welfare, child and data protection that has been issued for off-site visits. Training is also available. As much as possible schools should ensure that the expertise built up by EVCs benefits and safeguards young people in their WRL activities.

Working in partnership to safeguard learners

Whilst recognising that the responsibility for young people never leaves the school at which they are enrolled, the workload concerning safeguarding young people can be shared by working in partnership. Within Nottingham City and Nottinghamshire there is an agreed Quality Assurance model for Collaborative Provision, the purpose of which is to assist schools, colleges and providers in making arrangements through which young people are kept healthy, stay safe and enjoy high quality learning experiences. The agreed quality assurance model will enable schools and other providers to work together in a mutually supportive manner to raise standards and to ensure the welfare of the learner. There is a toolkit in place which provides the policies, procedures and documentation to enable Nottingham City and Nottinghamshire partnerships to work together with confidence, through clarified roles and responsibilities.

2. School/College, School/Training Provider, School/Third Sector, School/School Partnerships

2.1 Background

This section covers all off-site provision including Work Related Learning delivered by other organisations on behalf of the home school

Working together, schools and other providers can extend the learning opportunities available to meet the needs of all young people by collaborating in the delivery of:

- General qualifications (GCSEs, A levels)
- Diplomas
- Stand alone vocational qualifications
- Foundation Learning
- Young Apprenticeships
- Alternative provision

Before using the guidance set out in this section schools should become familiar with, and follow the guidance in the following documents:

- ***'Work-Related Learning and the Law, Guidance for schools and business link practitioners'***, DfES 2006, Chapter 2 School-College Partnerships, pages 8 – 23.
- ***'Safeguarding Children and Safer recruitment in education'***, DfES 2006, Appendix 14, pages 114-122 (Also in Appendix 9 2010)

Prior to learners commencing participation in any of the pathways that include off-site provision the headteacher should ensure that the checklist at 2.4 has been completed satisfactorily for all off-site placements involving learners on their school roll.

2.2 Quality Assurance

The school should also ensure good practice through agreeing and adhering to a quality assurance process with each partner organisation. This process should cover all the issues indicated in the checklist in Section 2.4.included within an SLA

Examples of processes and documents can be found in Appendices A-E
To enable all 14-19 learners to access provision anywhere in their locality a Nottinghamshire prospectus can be found online at www.mychoicenotts.com

2.3 Some questions, and their answers, to issues that may arise when a school is planning provision through a school/other provider partnership:

Question

What is the Equality Act, when does it come in to force and does it replace existing Acts?

In April 2010 the Equality Act received Royal Assent, meaning it became law. The Act brings together the existing strands of equality and discrimination legislation, and covers discrimination, harassment or victimisation due to age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. There are, however, some exceptions, for example a student or person applying to be a student at a school is not protected from harassment on the grounds of gender reassignment, religion or belief or sexual orientation. The Act also places a duty on certain public bodies to consider socioeconomic disadvantage when making strategic decisions.

The main parts of the Act will come into force in October 2010 and until that date existing legislative duties and responsibilities remain in place.

The legal framework that this Act will replace includes:

- 1) Race Relations Acts 1965 and 1968.
- 2) Equal Pay Act 1970
- 3) Sex Discrimination Act 1975
- 4) Race Relations Act 1976
- 5) Disability Discrimination Act 1995
- 6) Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sexual Orientation) Regulations 2003
- 7) Equality Act 2006
- 8) Employment Equality (Age) Regulations 2006 and
- 9) Equality Act (Sexual Orientation) Regulations 2007

Question: How can the school aid understanding and challenge assumptions about **race, gender and disability?**

Answer: In order to aid understanding and challenge assumptions about race, gender and disability, schools should:

- Identify and support employers who accept learners in non-traditional work areas
- Promote equal opportunities to parents/carers and governors
- Include in their WRL placement preparation programme:
 - Discussions about equal opportunities in the work place and occupational areas
 - Examples of people participating in non-traditional work activities
 - Encouragement for learners to take up non-traditional work roles and tasks

Race

The Race Relations (Amendment) Act 2000 extends the duty of schools to:

- Promote equality of opportunity and good relations between people of different racial groups
- Ensure that all learners have access to a full range of WRL placement opportunities
- Identify any barriers that learners may face in selecting and participating in WRL placements
- Carry out an annual evaluation of WRL placement opportunities undertaken by learners to assess a fair distribution to all learners

For further information see '**Statutory code of practice on the duty to promote race equality: A guide for schools**', Commission for Racial Equality, May 2002 and '**Race equality in Education: Good practice in schools and local education authorities**' OfSTED (HMI 589), November 2005.

Gender

The Equal Opportunities Commission (from October 2007 incorporated into the Council for Equality and Human Rights) has stated that schools have an important role in challenging and breaking down gender stereotyping.

The Sex Discrimination Act 1975 prohibits sex discrimination against men and women of any age, including children. Discrimination occurs when a person is treated less favourably than someone of the opposite sex, in comparable circumstances.

Examples of sex discrimination are:

- The allocation of certain types of off-site placements to female or male learners
- Employers making specific requests for female or male learners
- Sexual harassment taking place during the off-site placement

Disability

The Special Education Needs and Disability Act 2001 and the Disability Discrimination Act 2005, place requirements on employers not to discriminate against disabled people in publicly funded post-16 institutions.

The Acts place a responsibility on WRL placement organisers to:

- Anticipate any distinct needs of learners with disabilities
- Ensure that risk assessments take into account the disabilities of individual learners
- Encourage and support employers in making reasonable adjustments to WRL placement activities and tasks in order to accommodate disabled learners

Although these are requirements for post-16 learners the principles and practice set out apply to pre-16 learners with disabilities.

In order to deal with equal opportunities issues schools and colleges should:

- Have guidance and procedures in place for dealing with all matters of harassment or discrimination with regard to matters of race gender or disability
- Investigate any suspected incident of discrimination or harassment, and take appropriate action with advice and support being given to those involved

Take care to report only the facts of an incident. All communication should be made according to policies and procedures set out by the organisations involved.

- www.hse.gov.uk Then follow the links 'Publications' 'Health & safety matters for special educational needs'.

Or telephone

- Service Manager Inclusion Diversity Engagement (Nottinghamshire County Council) on 0115 9774438

Or

- 0115 9158624 - For Nottingham City

Question: Is Travel Insurance required for staff and learners?

For those schools that have taken out the annual off-site travel insurance administered by the City and County LAs, cover automatically extends to learners on WRL placements.

For the minority of schools that have not elected to take this cover, insurance on a Personal Accident Insurance (PAI) basis can be arranged for those schools by contacting personnel at the City and County LAs Insurance sections'.

Teachers, who use their own vehicles to visit a learner at a WRL placement, or to transport learners to or from placements, **must** ensure that they have insurance to cover the use of their vehicle in connection with their occupation. Some insurance companies will provide that cover without additional cost for teachers and education staff. A standard letter to their insurers identifying that they wish to use their vehicle for transporting children as an alternative to public transport is contained in the publication ***Work Experience and the Law***' (CEI 2002).

Likewise, employers who transport learners in their own vehicles while they are on placement **MUST** have appropriate business cover as part of their vehicle insurance.

The school must ensure that all safeguarding guidance concerning teachers not being alone in their vehicle when transporting young learners is adhered to.

Question: Who is responsible in law for Health and Safety?

Answer: The Health and Safety at Work etc Act 1974 places overall responsibility for health and safety with the employer. Who this is varies with the type of school.

- For community schools, community special schools, voluntary controlled schools, maintained nursery schools and pupil referral units and Learning Centres the employer is the Local Authority (LA).
- For foundation schools, foundation special schools and voluntary aided schools, the employer is usually the governing body.
- For independent schools, the employer is usually the governing body or proprietor.
- For Academies, the employer is usually the governing body.

Education employers have duties to ensure, so far as is reasonably practicable:

- the health, safety and welfare of teachers and other education staff;
- the health and safety of learners in school and off-site visits; and
- the health and safety of visitors to schools, and volunteers involved in any school activity.

LAs also have a duty under Section 3 of the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 to carry out their undertaking in such a way as to ensure, so far as is reasonably practicable, that they do not expose learners to risks to their health and safety.

Schools have the same duty of care as the LA, to learners involved in off-site provision.

For the duration of the off-site programme the school is in partnership with the providers and is therefore subject to the same health and safety legislation as the provider.

The off-site provider would normally be the one to account for accidents since they provide the potential risk, but how a school manages and supports the provider can also be a matter for investigation.

A school must follow procedures and guidance available to it as set out by the LA. This will ensure that the school is following best available practice. For the recommended accident procedures please see Annex 1 <http://intra.nottinghamcity.gov.uk/saferschools> (schools and city council only) for accidents/near misses/violent incidents (City schools).

Failure to use the vetting procedures available, or a procedure equal to or better than what is in place, could leave the school and the off-site co-ordinator vulnerable to prosecution under the Health and Safety at Work Act 1974 and also to civil litigation. This liability would fall upon the governing body of foundation and voluntary aided and private schools.

Question: What health and safety issues should be considered by WRL placement organisers in their own capacity?

Answer: Where there are WRL placement organisers who are employees, such as teachers, teaching assistants, lecturers, trainers, or other members of an education employer's staff, they must take reasonable care of themselves and of other people who may be affected by their acts or omissions.

This means that individual WRL placement organisers must carry out their task in accordance with the guidance and instructions laid down by their employers.

Education employers such as Local Authorities, and any other organisation employing individual WRL placement organisers, cannot delegate their legal duties and responsibilities to those individuals. Functions, however, can be delegated.

The responsibility for meeting legal duties remains with the employer.

Question: Learners on WRL placements are regarded by the Health & Safety Executive (HSE) as employees. What implications does this have?

Answer: Learners on WRL placements are regarded in law (Health and Safety Training for Employment Regulations, 1990) as employees of the placement provider for the purposes of Health and Safety and learner welfare. Learners have the same responsibilities as all other employees for their own safety and the safety of others affected by their acts or omissions.

Learners must also co-operate with the WRL placement provider in complying with the provider's legal duties.

Question: What responsibilities do employers have?

Answer: Employers have a significant and what is considered greater duty of care to learners on WRL placements due to the young person's potential lack of maturity, awareness and experience of workplace environments.

The Management of Health and Safety at Work Regulations 1999 has put into statute what was previously stated in civil law. As a result of this legislation all employers have to do a risk assessment specific to young people before they are employed. The risk assessment takes into account the learners' lack of knowledge of hazards in the workplace.

"Where learners are below compulsory school leaving age, the provider **must** provide their parents/guardians with the key findings of the risk assessment and the control measures introduced to minimise or ideally eliminate any significant risk."

(‘Work Experience – a guide for employers’, DfES 2002)

Employers have the responsibility to ensure that any significant risks are communicated to parents/guardians. Schools can support employers by including a job description that

includes risk assessment information, with the correspondence to parents/guardians that confirms details about their child's placement.

Employers have a legal responsibility to ensure that learners on WRL placements are aware that they themselves have health and safety duties, and they should check that the learners co-operate fully with those requirements.

More detailed information on these regulations can be found at www.hse.gov.uk Select 'Publications' and search on 'The Right Start'. Placements will be reassessed on a one, two or three year cycle, except extended placements which need a process of on-going monitoring.

Question: What legal responsibilities do parents/carers/guardians have?

Answer: Parents/carers/guardians have no legal responsibilities for WRL placements under Health and Safety law. However, parents can help by providing any relevant information about their child's medical or behavioural conditions. They might also usefully inform education establishments and organisers of any actual or potential health and safety problems that may arise in the placement.

Guidance can be found at www.hse.gov.uk/youngpeople on the main page and by following the link to the HSE legislation site. When parents/carers/guardians have been notified of any risks following an employer's risk assessment, they have the option of vetoing that placement.

Question: A learner is (a) excluded from school for a fixed period (b) permanently excluded from school. Can he/she continue to attend provision arranged through a school/other provider partnership?

Answer: Some learners who exhibit persistent unacceptable behaviour in school perform well in work-related learning settings and present no problems to staff or other learners. There is no reason why a learner serving fixed term exclusion should not continue to attend an off-site placement if there have been no incidents of the type that have occurred at school. The school should inform the placement of the reasons for the fixed term exclusion and school staff should maintain close monitoring of the situation in the placement.

When a learner is permanently excluded their continuing education is the responsibility of the Local Authority. Again, permanent exclusion in its own right is not a reason for ending a work-related learning placement if the learner is performing in a satisfactory manner in that environment. When a learner is permanently excluded the Local Authority should ensure that the placement is fully appraised of the changed circumstances and the placement should be subject to a strict monitoring process.

A young person being tutored at home is entitled to the same work experience opportunity as would a young person enrolled with a school/college.

2.4 Checklist

School needs to ensure that:	How to ensure:
<p>Where the learner is working towards a vocational qualification the course/programme is approved for use with pre-16 learners i.e. is on the Section 96 list of the Learning and Skills Act 2000</p>	<p>Search: DCSF, Section 96, Qualifications. See also: National Database of Accredited Qualifications www.ndaq.org.uk and www.mychoicenotts.com... see also Register of Regulated Qualifications..... <i>Please note the NDAQ website and all functions provided by NDAQ will be turned off and replaced by the Register of Regulated Qualifications</i></p>
<p>Legal requirements are in place for:</p> <ul style="list-style-type: none"> ● Health & safety ● Enhanced CRB check ● Appropriate Insurance cover is in place ● Data protection arrangements are secure <p>Duty of Care responsibilities are secure for:</p> <ul style="list-style-type: none"> ● Recruitment & selection ● Delivery arrangements ● Induction & information details ● Supervision levels – in/out of classroom placements ● Attendance & performance monitoring & procedures ● Learner details ● Behaviour and disciplinary procedures ● Transport arrangements ● Staff support in classrooms ● CIAG ● Monitoring & progress visits ● Placement arrangements (if appropriate) 	<p>Check Appendix 11 in, ‘Safeguarding Children and safer recruitment in Education’</p> <p>School checks with partner organisation</p> <p>School checks with partner organisation</p> <p>All Duty of Care responsibilities MUST be covered within a Service Level Agreement (SLA) signed by the school and the partner organisation</p>

School needs to ensure that:	How to ensure:
<ul style="list-style-type: none"> Feedback & reporting arrangements <p>Any placements for learners within the programme comply with LA policies</p>	<p>Nottingham City policies can be seen at www.colleget.org.uk click onto 'Outdoor Education' section Nottinghamshire County policies can be found in '<i>Educational Visits Policy for Nottinghamshire Schools</i>', 2003.</p>
<p>Parents/carers/guardians are fully informed and information from parents is received</p>	<p>Letters, meetings, parental consent</p>
<p>Staff are suitably qualified and competent to deliver course</p>	<p>Providing organisation</p>
<p>Cost of provision is clear and unambiguous</p>	<p>Providing organisation</p>
<p>Terms of termination of provision</p>	<p>School/Providing organisation</p>

2.5 And finally

Staff in school with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section 'Check your understanding' on page 23 of the document '*Work-Related Learning and the Law*'.

3. Work Experience

3.1 Background

This section covers all experiences defined as:

“A placement on employer’s premises in which a pupil carries out a particular task or duty, more or less as would an employee, but with an emphasis on the learning aspects of the experience”. *‘Work experience - a guide for secondary schools’*, DfES 2002.

Before using the guidance set out in this section schools should become familiar with, and follow the guidance in, the following documents:

- *‘Work Related Learning and the Law, Guidance for schools and business link practitioners’*, Chapter 3, Work experience, pages 24 – 36.
- *‘Health, safety and welfare assessment for work experience placements – a good practice guide’*, national Work Experience Partnership Group, Version 2, February 2007. The publication can still be seen on the former Learning and Skills Council’s website: www.safelearner.info
- *Safeguarding Young People on Work-Related Learning* including Work Experience DCSF 2010 <http://www.dcsf.gov.uk/14-19/documents/Safeguarding%20Young%20People%20on%20work%20related%20learning%20work%20experience.pdf>

N.B. Schools should note that Chapter 3 in *‘Work-Related Learning and the Law’* contains the following statement:

“.....work-related activity has the most legal implications, as learners are undertaking work tasks in a real work environment, as opposed to observing work during work shadowing or a visit.

Schools should also be aware that if any off-site provision as dealt with in the previous section on school/other provider partnerships includes work experience it is the responsibility of the school, as well as the provider, to ensure that all aspects of the guidance that follows in this section has been carried out satisfactorily.

The Education Act 1996 allows for work experience at any time during KS4, i.e. during the last 2 years of compulsory schooling. The Act also required LAs to approve work experience in maintained schools.

Statutory changes (the Education Reform Act 1988, the Education Act 1996 and the Education Act 2002) allow for extended work experience placements. With the introduction of the Young Apprenticeship programme and 14-19 Diplomas as part of the 14-19 Education Reforms an increasing number of learners will attend work placements over an extended period of time.

EBF support for placements

Schools/Colleges and Training Providers are able to contract with the Education Business Futures (EBF) through a Service Level Agreement (SLA) to ensure that all work experience placements that they use have been thoroughly vetted and assessed for learner health, safety and welfare according to the Health & Safety Procurement Standards (HASPS) as laid out by the former Learning and Skills Council. The HASPS criteria are the expected standard. Schools/colleges or Training Providers that have arrangements other than contracting with EBF will be required to specify how the HASP's criteria are achieved and monitored

The database provides information and sample documentation for work experience co-ordinators and a search placement search facility for learners.

The following modules and facilities are available for the education and careers network:

- **Learner Module** – search and apply for placement opportunities
- **Teacher/Co-ordinator Module** – track learners and placements
- **Administrator Module** – update information and track placements and health and safety status
- **Health and Safety Module** – enable Administrators to update health and safety placement information per placement; includes risk assessment facility
- **Employer Module** – view/edit employer details, placements, pending health and safety visits and allocated learners
- **Reporting and MI Modules** – placement activity reporting and advanced MIS functionality
- **Paperwork Module** – allow Co-ordinators to print documentation (individually or batches)
- **Messaging Module** – enable messaging between system users
- **Video Clips Facility** – learners can view real life case studies of different jobs
- **PDA Facility** – allow health and safety assessors to record information on site visits via handheld devices
- **Data Cleansing Facility** – batch cleanse all data

The EBF SLA covers the first 9 points of the health and safety guidance; **however, the tenth and final requirement can only be undertaken by each school/college and Training Provider individually. This is the requirement to promote 'safe learners' through the quality of preparation for the placement. Schools should allow their learners to gain an understanding of health and safety, including the identification and control of risk; and develop a set of behaviours in the workplace.** All schools, irrespective of any agreement with EBF, have responsibility for ensuring that the tenth standard is met for each learner participating in a work experience placement.

Schools/colleges that contract with EBF for their KS4 work experience placements can be assured that they should be legally covered for the health, safety and welfare of their learners participating in work experience placements covered by the EBF database. However, there may remain issues with ensuring that the learner matches the placement.

For example, even a 'low risk' placement can become 'high risk' if the learner is not committed to being there.

Schools/colleges or training Providers that have alternative arrangements for ensuring learners safety whilst in a work experience placement are required to meet achieve the same standards and set out how those standards will be monitored. School/colleges should NOT use Employers offering a work experience placement that has NOT been assessed for health safety and welfare.

Other placements

For any other work experience placements schools/colleges should ensure that they comply with all the detail in the checklist that follows at 3.4. Schools not using placements listed on the EBF database should advise the placement provider to familiarise themselves with their responsibilities by accessing:

- THE RIGHT START – Work experience for young people: Health and safety basics for employers. www.hse.gov.uk/pubns/indg364.pdf

The LAs have set out their requirements to ensure that all the training and learning that it funds takes place in safe, healthy and supportive environments. The LAs also advise that health and safety assessments should be undertaken once every one, two or three years depending on the risk (high, medium and low)

Schools/colleges must ensure that staff assessing employers and their locations for health and safety are competent.

As a further benchmark schools should follow the link to www.safelearner.info as set out on page 25 of the document, '**Work-Related Learning and the Law**'. This will provide access to the national competency standard 'Health and Safety of People at Work, Unit D: Review Health and Safety Procedures in the Workplace' (ENTO).

Finally all schools/colleges should ensure that they comply with all the detail in the checklist at 3.4

3.2 Quality Assurance

The agreed model of quality assurance for collaborative provision with sample documentation can be found in the Nottingham and Nottinghamshire 14-19 Quality Toolkit. It is also important that schools, colleges work towards the DCSF - Quality Standard for Work Experience.

3.3 Some questions, and their answers, to issues that may arise when a school is planning provision through a school/other provider partnership:

Schools/colleges should also refer to this section in the previous chapter as the same issues arise.

Question: How many **hours** can **learners** spend in WRL placements?

Answer: The working hours of learners on WRL placements must comply with the young persons (U18) requirements of the Working Time Regulations 1998.

Employers must ensure that the working hours and patterns of work do not compromise the health and safety of the learner.

As a duty of common care for the learner, consideration should also be given to ensure safe travel times to and from the placement.

Where shift work is the normal pattern of the working hours, the job description should indicate the need for parents to make secure arrangements for their child to be taken to, or collected from, the placement.

Working hours are a matter for agreement between the employers and schools, training providers and colleges, parents and learners or their representatives, provided that they are in line with the Working Time Regulations and only varied from that standard in exceptional and justifiable circumstances.

Recommended practice is that:

- Learners should work no more than eight hours a day
- Learners should work no more than 40 hours per week
- Learners should not normally work at weekends
- Learners should not normally start work before 7am
- Learners should not normally finish work after 7pm
- Learners can work up to 10pm, e.g. if they are experiencing shift work in the catering industry, but in all cases where students finish after 7pm, transport home should be arranged and parental approval obtained
- Learners should not work overtime
- Learners should not work more than five days in any consecutive seven day period

Question: How can the school ensure that learners placed in off-site provision are adequately covered for **insurance** purposes?

Answer: Nottinghamshire County Council and Nottingham City Council have made arrangements for meeting their legal liabilities arising from learners engaged in work experience activities under the Education Act 1996.

In this respect the Public Liability and Employers Compulsory Liability Insurances will cover learners on work experience provided the employer has followed the advice in the publication, '**Work Experience – a guide for employers**', DfES 2002 (being updated for circa November 2007) and have notified their insurers particularly in relation to extended placements.

In some cases schools have paid a small employer's additional premium in order to extend insurance cover to provide a WRL placement opportunity for one of their learners. These charges are not normally levied by the insurance companies, however some 'brokers' have not been aware that a consensus of the Association of British Insurers (ABI) has agreed no fee is required.

There are occasions when accidents happen to learners where neither the LA nor the employer can be held responsible, and in such circumstances a school may wish to consider arranging Personal Accident Insurance cover for learners on WRL placements. For examples of different PAI schemes, see www.ncpta.org.uk

The letter of understanding signed by the employer following the health and safety check will confirm the insurance status of the company. A placement will only be accepted as suitable when that condition has been satisfied.

Question: What should the school include in a **risk assessment** to ensure the personal safety of learners on work experience?

Answer: A risk assessment should be carried out which takes into account:

- The individual needs and capabilities of the learner
- How to deal with unpredictable situations
- The nature of the journey to the work experience placement
 - Familiarity with the route
 - Departure point and destination
 - Times of available public transport
 - Potential hazards on the route
 - Walking distances and the surrounding environment
 - Conditions at different times of day/year
- Parental knowledge, permission and information

Where the risk is considered to be unacceptable, the school **must** make arrangements to reduce that risk to an acceptable level.

3.4 Checklist

School needs to ensure that	How to ensure
<p>Legal requirements are in place for:</p> <ul style="list-style-type: none"> ● Health & Safety ● CRB check (need to decide whether an enhanced check is necessary particularly when placements last 15 days or more) ● Insurance cover is in place ● Data protection arrangements are secure 	<p><i>‘Standards for Health and Safety – Information on the Learning and Skills Council’s health and safety standards for learners’</i>, February 2006.</p> <p>Check <i>‘Safeguarding Children and Safer Recruitment in Education’</i>, Annex A and Appendix 14,. and the recent 2010 version</p> <p>School checks with partner organisation and Notts CC Risks and Insurance section School checks with partner organisation</p>
<p>Duty of Care responsibilities are secure for:</p> <ul style="list-style-type: none"> ● Recruitment & selection ● Delivery arrangements ● Induction & information details ● Supervision –in/out of classroom ● Attendance & performance monitoring & procedures ● Learner details ● Behaviour and disciplinary procedures ● Transport arrangements ● Staff support in classrooms ● IAG ● Monitoring & progress visits ● Placement arrangements (if appropriate) ● Feedback & reporting procedures <p>Any placements for learners within the programme comply with LA policies</p>	<p>Schools should follow the ‘Aide memoir for Work Experience Assessors’, pages 21-34 for list, as set out in <i>‘Health, safety and welfare assessment for work experience placements – a good practice’</i> –</p> <p>Employers can find useful guidance in:</p> <ul style="list-style-type: none"> ● THE RIGHT START – Work experience for young people: Health and safety basics for employers. www.hse.gov.uk/pubns/indg364.pdf Learner Health & Safety Questionnaire – HS1.
<p>All learners are aware of their individual responsibilities for health and safety in their specific placement, particularly with respect to any personal individual needs.</p>	<p>School carries out an individual preparation with each learner.</p>

3.5 And finally

Staff in school and colleges with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 36 of the document, ***Work-Related Learning and the Law***.

4. Enterprise and Employability Experience

4.1 Background

This section covers any activities which take place off-site, or on-site but involving adults other than school staff. These activities may be designed to meet one of the three strands identified in the Davies Report (2002) or a combination of these three strands, which are:

- Financial literacy
- Economic and business understanding
- Enterprise capability

Before using the guidance set out in this section, schools should become familiar with the following document:

- ***Work-Related Learning and the Law, guidance for schools and business link practitioners'***, pages 37-42

4.2 Quality Assurance

There are a wide range of packages advertised to schools to enable them to provide opportunities to learners to develop their skills across the three strands identified in the Davies Report 2002. Before purchasing the services of outside organisations, schools should satisfy themselves that appropriate measures have been taken to ensure the health, safety and welfare of learners have been addressed and that the activity will provide learners with a high quality learning experience.

In Nottinghamshire, EBF and Aimhigher offer a range of enterprise opportunities for young people. For all their programmes, EBF and Aimhigher have developed rigorous and tested procedures to ensure learners are not placed at risk. These opportunities can be accessed via <http://notts.work-experience.co.uk> and www.aimhighernotts.co.uk Young Enterprise, www.young-enterprise.org.uk also provides a range of activities for learners.

When planning these activities schools may find the case discussions in '***Work-Related Learning and the Law'*** helpful, see pages 39-41.

4.3

Question: Is a CRB Disclosure necessary for everyone that visits or works in a school or FE college?

Answer: (from '***Safeguarding Children – Safer Recruitment in Education'***) It is not necessary to obtain a CRB Disclosure for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time, or secondary students undertaking voluntary work or work experience in other schools. However, it is good practice to ensure that visitors sign in and out, and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer.

Examples of people who do not need to apply for a CRB Disclosure include:

- Visitors who have business with the head teacher, principal or other staff or who have brief contact with children with a member of staff present
- Visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school or FE college premises
- Volunteers or parents who only accompany staff and children on one- off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fête, college open day
- Secondary school learners on Key Stage 4 work experience in other schools, FE colleges or nursery classes; secondary school learners undertaking work in another school or FE college as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or sixth formers in connection with a short careers or subject placement. In these cases the school placing the learner should ensure s/he is suitable for the placement in question
- People who are on site before or after school or college hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

4.4 Checklist

School needs to ensure that	How to ensure
<p>Legal requirements are in place for:</p> <ul style="list-style-type: none"> • Health and Safety • CRB checks as appropriate • Risk assessments <ul style="list-style-type: none"> • Staff qualified to deliver programme • Travel arrangements, as necessary • For mini enterprises: <ul style="list-style-type: none"> - British Standards - Laws relating to prices and weights and measures - Patents 	<p>As for Work Experience www.teachernet.gov.uk/childprotection School and provider carry out where the school deems that there is a medium or high risk to an individual learner or because of the nature of the activity</p> <p>Check with provider</p> <p>School and provider</p> <p>School staff</p>
<p>RIDDOR reportable accidents are reported to the Health and Safety Executive (HSE) Incident Centre. The Local Authority LIR should be sent to colin.bradford@futuresnn.co.uk</p>	<p>www.hse.gov.uk Tel: 0845 343 0055</p>

4.5 And finally

Schools/colleges

that do not use either EBF or Aimhigher should ensure that any employer involved in this type of activity has a clear understanding of the purposes of the activity and what the school intends learners to learn from the experience. Arrangements should be made well before the activity is to take place. This will ensure that employers have sufficient time to identify volunteers to participate in the activity.

Where activities take place in school a member of staff should always be in attendance. Schools should pay particular attention to the guidance on safeguarding set out in the recommended chapter of ***'Work-Related Learning and the Law'*** and to the guidance to be found at www.teachernet.gov.uk/childprotection

To discuss particular cases, schools should use the support and advice available within the LA. In the County, contact should be made with the Safeguarding Children Manager, who can be contacted on 01623 433433. In Nottingham City, contact should be made with the Local Authority Designated Officer (LADO on 0115 9159339).

Staff in school with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 36 of the document, ***'Work-Related Learning and the Law'*** and consider the case discussions in this chapter.

5. Workplace Visits

5.1 Background

This section covers all visits to off-site venues that are designed to support young people gain an understanding of the world of work, training or education beyond compulsory school leaving age. Workplace visits, as defined in this section, include visits to higher education institutions. Some of these visits may be in the form of a short residential visit.

Before using the guidance set out in this section, schools should become familiar with, and follow the guidance in, the following document:

- ***'Work-Related Learning and the Law, guidance for schools and business link practitioners'***, pages 43-47.

The former DCSF and the Nottingham City and Nottinghamshire County Local Authorities have produced and issued detailed guidance on educational visits. Staff in schools should familiarise themselves with this guidance and apply it, as appropriate, to workplace visits by consulting 'Educational Visits policy for Nottinghamshire Schools', September 2003 (available at www.nottinghamshire.gov.uk/learningoutsidetheclassroom by clicking on the Educational Visits page) or, for Nottingham City schools, by visiting www.collegest.org.uk and clicking onto the 'Outdoor Education' section. Further information is available in the publication, 'Health and Safety of Pupils on Educational Visits', DfES 1998 and updates are available at www.teachernet.gov.uk

All schools have a designated Educational Visits Co-ordinator (EVC) who should have copies of all these publications and policies and be familiar with their application. This member of staff is also likely to have received training. The WRL Co-ordinator should work closely with this member of staff on all issues related to workplace visits. The WRL Co-ordinator should also work closely with the member of staff designated for child protection.

5.2 Quality Assurance

Schools can access information on opportunities available through Aimhigher by visiting www.aimhighernotts.co.uk Aimhigher Nottinghamshire has developed a comprehensive framework around its activities to ensure the health, safety and welfare of learners participating in its programmes. Schools should ensure that the staff involved have co-operated fully and that all school obligations have been carried out thoroughly and effectively as advised by Aimhigher.

Aimhigher London has produced a detailed guide, ***'Framework for Safeguarding Children & Young People in Higher Education Institutions'***. Copies can be obtained from: Aimhigher London, Institute of Education, University of London, 20 Bedford Way, London, WC2H 0AL or by emailing: Aimhigher@ioe.ac.uk

Schools that organise workplace visits independently should ensure that staff are familiar with national and Local Authority policies and guidelines as indicated earlier and that all

suggested checks have been carried out prior to the visit taking place. Staff must also ensure that recommended procedures and practices, including for emergencies, are adhered to during the visit and that parents are fully informed and have given their consent where recommended.

All parties of young learners on a residential visit should have a member of staff immediately accessible. This may be a member of the LA staff if a very small group is involved. Only in school holidays, and only when it is made very clear to parents that the experience is not a school organized or run venture, is it acceptable for this not to be the case.

- Educational visits generic risk assessments for Nottinghamshire schools can be found at www.nottinghamshire.gov.uk/learningoutsidetheclassroom by clicking on the Educational Visits page
- Work is in progress to co-ordinate national and regional policy towards Army residential and residential experiences arranged by Aimhigher. This is through members of the Outdoor Education Advisors Panel (OEAP) and a recent consultation document, 'Health and Safety, Learning Outside the Classroom' (HASLOC). Until clearer national guidance is forthcoming, both Army residentials and residential experiences arranged by Aimhigher should follow the same guidance as any other residential visit."

5.3 Checklist

The following checklist indicates how schools can access specific guidance:

School needs to ensure that	How to ensure
<p>The venue, activity and staff have been checked for:</p> <ul style="list-style-type: none"> • Health & Safety • CRB check (school to decide whether an enhanced check is necessary) • Insurance cover is in place • Data protection arrangements are secure 	<p>Follow guidance in:</p> <ul style="list-style-type: none"> • <i>'Health & safety of learners on educational visits'</i> – DfES 1998 and updates available from www.teachernet.gov.uk • <i>'Educational Visits policy for Nottinghamshire Schools'</i>, Sept 2003 • City schools should visit www.collegest.org.uk and follow the link to, 'Outdoor Education' section
<p>Duty of Care responsibilities are secure for:</p> <ul style="list-style-type: none"> • Supervision – in/out of classroom • Attendance monitoring & procedures • Behaviour and disciplinary 	<p>As above</p>

School needs to ensure that	How to ensure
procedures <ul style="list-style-type: none"> ● Transport arrangements ● Staff support in classrooms ● Monitoring & progress visits ● Feedback & reporting arrangements ● Accident & emergency procedures 	As above
Appropriate risk assessments have been completed	<ul style="list-style-type: none"> ● Educational visits generic risk assessments for Nottinghamshire schools can be found at http://wired.nottsc.info choose Classes and Communities, All (A-Z), Health and Safety, then click 'Educational Visits' ● Nottingham City schools should visit www.collegest.org.uk and follow the link to 'Outdoor Education' section

5.4 And finally

Schools/colleges arranging work place visits in their own capacity should ensure that strong links are established between the school EVC, the child protection designated person and the WRL Co-ordinator. If workplace visits form a significant contribution to the learning, schools may give consideration to supporting the WRL Co-ordinator to attend relevant training provided by the LA Off-site service.

Staff in school/colleges with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 47 of the document, '**Work-Related Learning and the Law**' and consider the case discussions in this chapter.

6. Work Shadowing and Work Observation

6.1 Background

This section covers time that a learner spends alongside an adult from the world of work as that adult follows a typical working day. Often such activities are branded as, 'Take your son/daughter to work' days.

Before using the guidance set out in this section, schools should become familiar with, and follow the guidance in, the following document:

- *'Work-Related Learning and the Law, Guidance for schools and business link practitioners'*, pages 48-51.

6.2 Quality Assurance

If a school plans for a whole year group to participate in work shadowing at the same time this can place far too great a demand on capacity. A school is most unlikely to have the staffing capacity to ensure that all learners benefit from a high quality experience. Schools may therefore consider using this type of opportunity for a smaller number of learners at any one particular time.

Sometimes young people work shadow their parents for a day. In this case the parent is assuming responsibility for the health, safety and welfare of the young person. Nevertheless, the parent should be made aware of these responsibilities as this may often be something which is outside their normal role. Schools should request that parents verify their understanding by letter and the employer should confirm their Employers Compulsory Liability Insurance policy package extends to cover the learner as a visitor.

The DCSF guidance points out that the school responsibilities for this type of activity are much the same as those for work visits. The following checklist sets out how the school can carry out its responsibilities.

6.3 Checklist

A work shadowing or work observation activity is likely to be a full or part day activity. The school needs assurances from those involved that reasonable efforts have been made to ensure that the day is properly organised and safe, and that appropriate supervision and insurance are in place. Often, such activities are arranged with a relative or family friend. The teacher responsible for the day should discuss the arrangements with the school EVC/OVC.

Appendix D contains a sample letter that provides information for learners, parents, hosting employers, workplace supervisors and school support staff. Reference to this will provide a checklist of issues which need to be addressed prior to an activity taking place. The following checklist reiterates the issues for consideration:

School needs to ensure that	How to ensure
<ul style="list-style-type: none"> ● All participating learners are briefed on health & safety ● Learners and employers are aware of accident reporting, emergency procedures, attendance monitoring, behaviour and disciplinary procedures, feedback arrangements ● Learners are advised about appropriate dress and any protective clothing that will be provided and worn ● Any transport arrangements are safe 	<p>Follow guidance in:</p> <ul style="list-style-type: none"> ● <i>'Health & Safety of learners on education visits'</i> – DfES 1998 ● All arrangements are discussed with school ECV
<p>Appropriate risk assessments have been completed</p>	<ul style="list-style-type: none"> ● Nottingham City risk assessments can be seen at www.colleget.org.uk Click onto 'Outdoor Education' section ● Nottinghamshire County risk assessments are available from the school EVC and on https://wired.nottsc.info Choose 'Classes and Communities', All (A-Z), 'Health and Safety' and then 'Educational Visits'
<p>Employers are aware of their responsibilities</p>	<p>Employers should:</p> <ul style="list-style-type: none"> ● Ensure that Employer's Compulsory Liability Insurance is in place and extends to cover the learner as a visitor ● The plan for the day is appropriate ● Adequate supervision arrangements are in place ● Learners will not have unsupervised access to people who are debarred from working with young people ● Protective equipment of the correct size is available ● Ensure that a health and safety briefing takes place on the site for the shadowing activity.

Work shadowing and work observations are excellent opportunities but vigilance is necessary to ensure activities take place in a secure and safe environment.

6.4 And finally

Schools should always inform parents/carers in writing of the reasons and arrangements for work shadowing and obtain written confirmation of their agreement for their son/daughter to participate. If parents arrange for work shadowing to take place with themselves or a family member, the school should obtain a written specification and ensure that all safeguarding issues have been taken care of in a satisfactory manner.

Staff in school with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 51 of the document, ***Work-Related Learning and the Law*** and consider the case discussions in this chapter.

7. Residential Experience

7.1 Background

This section covers work-related learning activities that involve a young person staying away from home. A list of activities which could fall into this category is given on page 52 of the DfES document, ***'Work-Related Learning and the Law'***.

Before using the guidance set out in this section schools should become familiar with, and follow the guidance in, the following document:

- ***'Work-Related Learning and the Law, guidance for schools and business link practitioners'***, pages 52-56.

Schools should ensure that the designated Visits Co-ordinator (EVC/OVC) is fully involved in any arrangements made for residential experiences organised for work-related learning purposes. This should ensure that all relevant LA policies, guidance and national guidance are taken into account. The relevant documents are:

- Nottingham City: www.nottinghamcity.gov.uk Follow the link to 'Outdoor Education' section
- Nottinghamshire : Educational Visit Policy 2008.....this policy can be found by going to : www.nottinghamshire.gov.uk ...follow the link to learning outside the classroom/educational visits
-

The DfES document is:

- ***'Health and Safety of Pupils on Educational Visits'***, DfES 1998 (and the supplement to this guidance published in 2002)

The City and County LAs have produced some initial guidance in relation to residential experiences arranged by Aimhigher. There is also a joint position taken by the City and County and Derbyshire LAs to Army residentials. There is an attempt to co-ordinate this approach regionally/nationally through the Outdoor Education Advisors Panel.

Appendix A – Educational visits for individual or groups of Nottinghamshire learners funded by Aimhigher or similar programmes – Code of Practice should also be consulted.

7.2 Quality Assurance

Schools should undertake risk assessments for those risks associated with the specific residential experience. Nottinghamshire and Nottingham City LAs have produced a range of generic risk assessments for a variety of residential settings that are revised annually. The school's EVC/OVC should have access to these as well as them being available for city schools at www.collegest.org.uk and www.nottinghamschools.co.uk/h&s for County schools.

Schools will be aware that although the vast majority of residential experiences pass with no major incident, when something goes wrong the consequences can be serious. Therefore, although this is likely to be an activity which is not in the mainstream of work-related learning experiences for young people, it is one that needs special preparation.

Aimhigher offers a range of residential experiences for learners. Details can be found at www.aimhighernotts.co.uk Aimhigher has rigorous quality assurance processes in place to ensure that learners engage in secure, stimulating and positive learning experiences. Schools that organise their own experiences should ensure that they have effective processes in place to monitor and assess the quality of the learning experience.

7.3 Checklist

School needs to ensure that	How to ensure
Legal requirements are in place for: <ul style="list-style-type: none"> ● Health & Safety ● CRB check (school to decide whether an enhanced check is necessary) ● Insurance cover is in place 	Nottingham City: www.collegestreet.org.uk <i>'Health and Safety of Pupils on Educational Visits'</i> , DfES, 1998 'Safeguarding Children and Safer Recruitment in Education' Appendix 11
Duty of Care responsibilities are secure for: <ul style="list-style-type: none"> ● Supervision – particularly out of classroom environment ● Residential rules and procedures e.g. meal times, duties, lights out ● Behaviour and disciplinary procedures ● Transport arrangements, including during the residential experience 	As above
Residential experience providers have carried out their roles and responsibilities	This should include: <ul style="list-style-type: none"> ● Safeguarding issues ● Fire and other emergency procedures ● Unsupervised time and the parameters of any 'free time' ● Procedures for discovery of, and possession/use of banned substances ● Risk assessments carried out for all projected activities ● Security of personal possessions ● Emergency procedures

Before undertaking a residential, the school WRL co-ordinator should ensure that the school EVC/OVC has been familiarised, and is satisfied with, all arrangements, procedures and risk assessments.

7.4 And finally

Schools should ensure that parents/carers are fully informed and give informed consent. The EVC/OVC can advise on the guidance, policy and procedures issued by the LA.

Staff in school with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 56 of the document, '***Work-Related Learning and the Law***' and consider the case discussions in this chapter.

8. Business Mentoring and E-mentoring

8.1 Background

Schools should take considerable care when arranging these opportunities, as the relationship is one to one., Schools should be able to reassure themselves, young people and their parents/carers, by using suitably accredited outside agencies, and should check the competence of these outside agencies.

Before using the guidance set out in this section, schools should become familiar with, and follow the guidance in, the following document:

- ***'Work-Related Learning and the Law, Guidance for schools and business link practitioners'***, pages 57-65.

This guidance is thorough and contains appropriate contact details of organisations that schools contemplating arranging their own provision should follow up e.g. the Mentoring and Befriending Foundation www.mandbf.org.uk

8.2 Quality Assurance

In Nottinghamshire, both EBF and Aimhigher include mentoring among the menu of opportunities available to schools. In both cases there are health, safety and welfare procedures and quality assurance processes that should ensure that all risks are investigated and are properly managed.

'e-volve@neba', is a partnership between EBF and Aimhigher Nottinghamshire which targets young learners who have the potential to study at HE level but who may not have the support, finance or 'heritage' to consider it as an option.

E-mentors act as role models and, by offering the benefit of their experience, help to provide disadvantaged learners with an achievable goal to aim for. Communication is made by e-mail at least once a week giving the learners regular contact with the business or university community. The activity is quick to organise, time and cost-effective, and is suitable for all levels of employees and learners.

Learners are partnered with an e-mentor from the business or higher education community for a minimum of one academic year. E-mails are exchanged approximately once a week using a secure, highly encrypted, web-based system. All mentors and mentees complete an Individual Profile Form before being matched; mentors are enhanced CRB checked to enhanced level before being partnered; and mentors are trained before commencing activity.

The aims of 'e-volve@neba are that learners should have an increase in self confidence and self esteem; a better understanding of the world of work and career opportunities; raised aspirations; practice in problem solving and decision making techniques and improved communication skills.

8.3 Checklist

School needs to ensure that:	How to ensure:
Mentoring and e-mentoring is arranged through EBF	Schools should use www.EBF.info and follow the links; <ul style="list-style-type: none"> • Activities • Mentoring Or email: ebf.admin@futuresnn.co.uk
Mentoring and e-mentoring is arranged through Aimhigher* Nottinghamshire	Aimhigher Associates is coordinated through the Students in Classrooms Team at Nottingham Trent University: Further details are available at: http://www.ntu.ac.uk/current_students/while_here/students_classrooms/schemes_on_offer/aimhigher_associates_scheme.html 2NA
If a school is contemplating arranging its own mentoring and/or e-mentoring activities it should follow the guidance on pages 57-65 in <i>Work-Related Learning and the Law</i> , DfES 2006	This should include: <ul style="list-style-type: none"> • www.mandbf.org.uk • www.suzylamplugh.org/home/index.shtml • www.teachernet.gov.uk/childprotection

* Aimhigher Nottinghamshire is part of a national initiative tasked with raising the aspirations and attainment of young people from groups under-represented in higher education. It works predominantly with 41 targeted schools and the colleges throughout Nottinghamshire. At pre-16, Aimhigher targets learners who meet certain criteria, including a 50% chance of attaining 5 A*-C at GCSE, and who reside in the most deprived areas. At post-16, Aimhigher targets those who are on level 3 programmes of study and are in receipt of an Educational Maintenance Allowance (EMA).

8.4 And finally

Staff in school with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 65 of the document, ***Work-Related Learning and the Law*** and consider the case discussions in this chapter.

9. Professional Development Placements

9.1 Background

This section covers Professional Development Placements (formerly known as teacher placements in industry). Schools and colleges should view such placements as part of teachers' continuing professional development.

Before using the guidance set out in this section, schools should become familiar with, and follow the guidance in the following document:

- ***'Work-Related Learning and the Law, guidance for schools and business link practitioners'***, pages 66-69.

9.2 Opportunities for teachers in Nottingham and Nottinghamshire

Nottinghamshire schools and colleges wishing to support individual teachers, or teachers themselves, can access opportunities at www.neba.info. From the home page links should be followed from 'Activities' to 'Teacher Placement' where information on two programmes can be accessed:

- INVEST
- Professional Development Placements

Schools, colleges and teachers who are interested in developing an international dimension to their experience can access opportunities available through the Teachers' International Professional Development Programme (TIPD). This programme is financed by the European Union. Information can be accessed at www.teachernet.gov.uk. From the home page links should be followed from 'Continuing Professional Development' to 'TIPD'. An alternative is to access www.globalgateway.org.uk and follow the links – 'Professional Development' and 'TIPD'. A range of overseas visits and exchanges are available, including:

- International Programme for School Leaders (Headteachers)
- Fulbright UK/US Teacher Exchange
- Best Practice Network international study visits
- League for the Exchange of Commonwealth Teachers
- China, Japan and US
- Africa, South America and SE Asia

Local Authorities are responsible for applications and locally schools and teachers should contact either:

- Nottinghamshire – email: richard.browne@nottscc.gov.uk
- Nottingham – email: jo.darley@collegest.org.uk

9.3 And finally

Staff in schools and colleges with responsibilities in this area of the curriculum, including senior leaders and managers, should satisfy themselves that the school has understood and fulfilled its responsibilities by referring to the section, 'Check your understanding' on page 65 of the document, '*Work-Related Learning and the Law*' and consider the case discussions in this chapter.

Annex 1

Accident Incident Reporting Procedure for a Learner on a WRL Placement

(RIDDOR – ‘Reporting of Injuries, Diseases and Dangerous Occurrences Regulations’, 1995)

Introduction

Where a learner is on a WRL placement, the designated person within the organisation has the responsibility for taking immediate action in the event of an accident or incident, including appropriate medical care and attention, and where necessary, admission to hospital.

A parent/guardian or carer, and the Headteacher at the learner’s school, should be informed as soon as possible when an accident or incident prevents the learner from continuing at the placement.

Schools/colleges/Training Providers must report all accidents and incidents in accordance with the procedures already set out by the Nottingham City Council and the Nottinghamshire LCounty CouncilHealth and Safety Departments.

Care should be taken to convey sensitively and thoughtfully any known facts about the incident that has occurred. Contact with the media about incidents or accidents should only be made by members of the LA’s communication department.

Reporting Accidents & Incidents

The procedure for reporting an accident or incident for a learner who is at a WRL placement is as follows:

The WRL Placement Provider must:

- Organise immediate medical care and attention for whoever is injured
- Immediately inform the Headteacher of the school which the learner attends
- Immediately inform the named contact person of the learner on the WRL placement who is injured or direct the Headteacher to do so
- As soon as practical, record information about the cause and nature of the accident, with witness statements if available
- For a non RIDDOR reportable accident or incident, complete a copy of the Accident/Incident form and forward to EBF within ten days
- For a reportable accident/incident under RIDDOR:
 - inform the Health and Safety Executive (HSE) as soon as possible via the Incident Contact Centre – contact details on page 25. And inform EBF and jointly arrange to complete a Learner Incident Record form (LIR) and forward to Colin Bradford at colin.bradford@futuresnn.co.uk within 10 days of an incident/accident taking place.
 - inform EBF and jointly arrange to complete a Learner Incident Record form (LIR) and forward to Colin Bradford at colin.bradford@futuresnn.co.uk within 10 days of an incident/accident taking place.

The Headteacher must:

- Immediately notify the named contact person of the learner on the WRL placement involved in the accident or incident, as directed by the WRL placement provider
- Inform the Nottingham City Council OR the Nottinghamshire County Council Health and Safety Departments in accordance with the procedures already in place
- Receive a copy of the accident or incident report from EBF or the LAs

The Local Authority must:

- Monitor and review procedures and practices with all involved parties
- Investigate the incident/accident if required

EBF and their contracted Health and Safety Company must:

- Receive notification and completed reports of all non RIDDOR reportable accidents or incidents from the employer within ten days and forward copies to the Health and Safety Departments at Nottingham City Council and Nottinghamshire County Council and the Headteacher of the learner's school
- Receive notification of all RIDDOR reportable accidents and incidents and complete the LIR form <http://www.safelearner.info/home.htm> in co-operation with the placement provider.

- Forward copies of the Learner Incident Form to the Health and Safety Departments at Nottingham City Council and Nottinghamshire County Council , and the Headteacher of the learner's school
- Investigate all accidents and incidents by carrying out follow up Health and Safety checks of WRL placements where accidents or incidents have been reported
- Remind the WRL placement provider about the duty to report injuries to the HSE, as required by RIDDOR (1995)

Monitor and review accident and incident recording and reporting procedures each year

Local Authority

- Follow up all accidents and incidents reportable under RIDDOR, in order to determine whether the:
 - WRL placement was a safe, healthy and supportive environment
 - Learner was clear about the need for safe and sensible work practices
 - Level and quality of supervision were appropriate
- Report any actions/recommendations to all involved parties

These accident reporting procedures can also be found at:-

www.nottinhamcity.gov.uk/nottinghamschools

Follow the link to the health and safety page

Annex 2

Safeguarding

Throughout this document the term ‘safeguarding’ children is used. Safeguarding and promoting the welfare of children is defined as:

- Protecting children from maltreatment
- Preventing impairment of children’s health or development; and
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- And undertaking these responsibilities to enable children to have optimum life chances and to enter adulthood successfully

At certain points the term ‘child protection’ is used. This is a term that describes work with individual children who have suffered, or are at risk of suffering, significant harm. It is a key element of safeguarding and promoting the welfare of children.

Introduction

Work-related learning has an outstanding track record on health and safety and everyone wants to keep it that way. Changes to the 14-19 curriculum and delivering Diplomas mean more work-related learning, greater employer involvement, more contact with different people and more movement of young people between different locations. Keeping young people safe in this environment will require continued careful attention and good management.

The regulations and requirements that must be observed surrounding health and safety, child protection, insurance and data protection are there to ensure that young people are protected during their learning, in particular during work experience. They should not be unduly daunting or onerous for schools, colleges and employers who already take their responsibilities seriously and make use of the extensive help and support that are available.

Organisers of placements for young people should consider safeguarding in a variety of circumstances, including:

- Work experience for pupils aged under 16.
- Students aged 16-17 on placements.
- Pupils and students on community volunteering placements.
- Employees aged 16-17 in training.

This guidance sets out some general safeguarding considerations, and goes on to discuss legal requirements and entitlements in different circumstances, in the light of the referral of unsuitable people to the Independent Safeguarding Authority (ISA),

This guidance endorses the existing approach to safeguarding during work-related learning, which is set out in the Work-Related Learning Guide (Second Edition), available at:

www.dcsf.gov.uk/14_19/documents/workrelatedlearningguide_2.pdf
 and reiterated in other historic guidance documents including the 2006 edition of Safeguarding Children and Safer Recruitment in Education; Work-Related Learning and the Law, DfES 2006; and Work Experience: A guide for secondary schools, DfES 2002.

With regard to work experience, there are no current statutory requirements for particular positions in the workplace to be subject to either CRB disclosures or ISA registration. Instead the approach to safeguarding is based on risk assessment to determine whether an employer/supervisor should be subject to a CRB disclosure.

Regulated activity is the statutory term used to describe specific activities which involve working or volunteering with children or vulnerable adults and certain situations where individuals have the opportunity to have contact with children or vulnerable adults. It covers any such work, either paid or unpaid, which is carried out on a frequent, intensive or overnight basis but does not include family or personal arrangements.

In general an employer may not employ someone in regulated activity if they are not registered with the ISA, and may not knowingly employ someone in regulated activity who is barred.

See table below –

Regulated Activities (for more information please go to the definitions on the ISA website) involve contact with children or vulnerable adults and are:		
Of a specified nature e.g. teaching, training, care, supervision, advice, treatment or transport	And	Frequently, Intensively and/or overnight
Or		Once a week
In a specified place e.g. schools, children’s homes and hospitals, juvenile detention facilities, adult care homes, day centres		Or
		Four or more occasions in a period of 30 days
		Or
		Overnight : Between 02:00-06:00
Also covers Fostering and ‘Defined Office Holders’ e.g. Directors of Children’s Services, Trustees of Children’s Charities, School Governors No distinction made between paid and voluntary work		
Controlled Activities include access to the sensitive records of children or vulnerable adults or contact with children or vulnerable adults that does meet the definition of regulated activity but occurs frequently, intensively or overnight. Controlled activity is work in a very limited range of organisations or settings which is arranged by a responsible person. This work does not constitute regulated activity but not give opportunities for contact with children or vulnerable adults. All employers have a duty to make a referral to the ISA if an employee is removed from a controlled activity for posing a risk to a vulnerable group. There is a review to the continuing long term need for controlled activity and associated legal requirements.		

While Safeguarding Children and Safer Recruitment as a whole is aimed at an education audience, this section will be of interest to education-business partnership organisations, private FE providers and other relevant interests. It therefore provides broader information about safeguarding in the workplace, including community volunteering settings; and apprenticeship training.

Workplace suitability and risk assessment

Schools, local authorities and FE colleges have a duty under section 175 of the Education Act 2002 to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children receiving education or training at the institution. In addition, those bodies must have regard to this and any other guidance issued by the Secretary of State in drawing up those arrangements. This guidance should be read in conjunction with the section in the Work-Related Learning Guide (Second Edition) entitled Keeping young people safe during work-related learning. Employers of 16-17 year olds also have responsibilities for the health, safety and welfare of their employees and are advised to have regard to this guidance as appropriate.

Students aged 14-18 and apprentices aged 16-18 may take up a variety of placements of different kinds and durations for the purposes of their general or vocational education. The main scenarios are listed below, together with the legal requirements and entitlements in each scenario in respect of ISA registration and CRB disclosures. This guidance should be interpreted and applied as appropriate in each scenario.

Placement organisers should approach child protection in a similar way to health and safety. Currently, a great deal of attention is rightly paid to ensuring that placements are generally suitable and that risks have been reduced to the lowest level practicable. Placement organisers have a responsibility for assessing the general suitability of a placement, while employers have a responsibility to carry out a risk assessment. The Work-Related Learning Guide (Second Edition) gives more detail on procedures and some useful links.

Any potential risks to the young person from the placement should be considered as part of this initial assessment of general suitability which looks at health, safety and welfare. Additional safeguards may be necessary when the following risk factors are present:

- Children are more vulnerable to abuse or harm in longer term or extended placements than in short term placements. Local authorities, schools and FE colleges organising long term placements therefore need to ensure that policies and procedures are in place to protect children from harm, focusing greatest protection on settings in which children may be most at risk, for example when children will be placed for long periods in one to one situations with the same adult. Employers and training organisations need to be made aware of safeguarding issues and asked to cooperate in putting appropriate safeguards in place.
- Where the child may be particularly vulnerable. A variety of factors can make a child particularly vulnerable, including special needs, immaturity, previous abuse or neglect, substance misuse, etc. The school or further

education institution that the child attends should identify to the placement organiser any child who may be vulnerable, and who may therefore require additional safeguards.

- Where the nature of the business means that the child is likely to be or will be alone with an adult as part of the work placement, e.g. sole trader, self-employed artisan or tradesman, self-employed person working from home (This does not apply to short periods alone, for example, a solicitor taking a student to and from court in a properly insured car).
- Where the work placement has a residential component, or is for more than one day per week or for longer than one term in any academic year.

If any of the above conditions apply, the following safeguards should be considered:

- Staff of the local authority, school or FE college who arrange, vet, or monitor work placements should have had training in child protection – they must be able to advise employers and brief supervisors and students. Supervisors should have some child protection training or briefing; and
- Training organisations or employers taking responsibility for a child or children on a long term placement should be asked to make a commitment to safeguarding their welfare by endorsing an agreed child protection policy or statement of principles. It is sensible to keep a record of what is agreed so that the organisation arranging the placement can demonstrate to Ofsted inspectors that they have followed proper and considered steps to ensure the young person's safety.

In some circumstances, individuals working with a child as part of the placement should be registered with the ISA and/or have a CRB Enhanced Disclosure.

In some cases it is also important to ensure that the child or student concerned is suitable for the placement (for example, when placing children in environments involving them working with younger children, as in a course in health and social care), and in some circumstances a CRB Disclosure on the young person may be required.

In all cases:

- Young people who are placed in settings outside their normal education or workplace setting should be given clear advice about who to contact if they are worried or uncomfortable about their surroundings or if they suffer abuse. They should have a continuing point of regular contact within the local authority, school, FE college or workplace and be given opportunities to raise any concerns they may have; and
- School, FE college or local authority policies and procedures should define what actions need to be taken by whom and when if any child protection issues are raised prior, during or after the placement.

Young people in the workplace – legal position on ISA registration and checking and CRB disclosures in different scenarios

By way of background, the general or 'default' position (ie. the position in the absence of variations that apply in specific scenarios) for adults working with employees and volunteers aged under 18, and students in education aged under 18, is as follows (references to employers and employees should be taken to include voluntary activity providers and volunteers):

General position for adults working with employees aged under 18

- If the employee is aged 16-17, no manager or fellow employee carries out regulated activity; no one commits an offence if barred, no one is required to be ISA-registered and no organisation is required or entitled to check that individuals are ISA-registered.
- Employers are not entitled to ask for CRB disclosures on employees who do any activity (training, supervision etc.) with, or work alongside, 16-17 year old colleagues.
- If the employee or work experience student is aged under 16, a person who has a specific responsibility for supervising or training the child and does so frequently or intensively will carry out regulated activity and will commit an offence if barred. It is the duty of care of the school to ensure that an enhanced CRB check is completed. The employer may, but is not required to, check whether that employee is ISA-registered.
- Employers are entitled to ask for enhanced CRB disclosures on employees who carry out regulated activity with, or where a substantial part of their normal duties includes caring for, training, supervising or being in sole charge of employees who are aged under 18.

General position for adults who work with students aged under 18 in education

- Any employee of a school or FE college which is exclusively or mainly for the provision of full-time education to students aged under 18 is engaging in regulated activity. In mixed age FE colleges anyone who carries out the teaching, training or instruction of students aged under 18 is engaged in regulated activity and persons working in a pastoral role may be engaging in such activity if they provide, wholly or mainly for children, any form of advice or guidance relating to their physical, emotional or educational wellbeing. From November 2010, any new entrants or job movers carrying out that regulated activity must be ISA registered, and the school or college must check the individual is ISA-registered, before the individual starts work in regulated activity.
- There are separate existing requirements or entitlements about which staff in educational institutions must or can be CRB-checked. These are set out in Chapter 4 of *Safeguarding Children and Safer Recruitment in Education*.

These general positions are applied or amended in the following ways in the specified scenarios:

Schools that send pupils aged under 16 to work experience or community volunteering placements

- a) Employees do not carry out regulated activity if they work alongside children on work experience placements, and have no explicit role of supervising or instructing them.
- b) Any employee in respect of whom arrangements exist principally for the purpose of instructing, supervising, advising on well-being, or treating (except for ancillary first aid) a child under 16 in employment, is carrying out regulated activity. That employee's day-to-day manager is also carrying out regulated activity. Any such employee will commit an offence if he or she carries out regulated activity while barred. The employer will commit an offence if he allows an employee, whom he knows or has reason to believe is barred, to carry out regulated activity.
- c) Employees in respect of whom arrangements do not exist principally for the purpose of instructing, supervising, advising on well-being, or treating a child under 16 in employment, might still carry out those activities, but the activity is not regulated activity and the offence of carrying out regulated activity while barred will therefore not apply. In other words, if it is not part of a person's normal job, paid or otherwise, to instruct, supervise, advise on well-being, or treat a child under 16, then there is no regulated activity and no offence in this area applies.
- d) There will be no statutory requirement on an employee who is not engaging in regulated activity to be ISA-registered nor on an employer to check that such an employee is ISA-registered.
- e) There will be a statutory requirement for employers to check whether an employee is ISA-registered when they are engaged in regulated activity in the following cases:
 - Employees who fall within the definition at b) above and their day-to-day managers; and
 - Employees who fall within the definition at c) above and their day-to-day managers.
- f) Existing requirements on placement organisers to carry out workplace suitability and risk assessments remain in place. Organisers currently decide on the basis of these assessments which if any employees who are eligible to be CRB-checked should be CRB checked. From November 2010, it is recommended that in those cases where the employer asks the employee for a CRB check, they should ask the employee to register with the ISA using the same CRB application form.

Adults working with employees aged 16-17 who are being trained in the course of their employment

- a) The trainers, whether in-house or employed by private training providers or FE colleges, are not carrying out regulated activity.
- b) Others involved in the training of young employees, such as those responsible for their accommodation during residential training, are not carrying out regulated activity.
- c) However, in the case of apprenticeships training funded under the Apprenticeships, Skills, Children and Learners Act 2009, the employer may check whether any employee carrying out the funded activity is ISA registered;

in effect the employer can, if it wishes, require that individual to become ISA-registered. Any other employer whom the employer of the apprentice engages to provide these services may similarly check their employees who carry out the activity.

- d) The employer of such an apprentice may decide who, if anyone, to check, on the basis of suitability and risk assessments of the kind recommended in this guidance, which will also be stipulated in the funding contract. This will encourage a sensible and proportionate approach. It is the responsibility of the training provider to ensure the employer is aware of and understands this requirement.
- e) FE college staff who teach or train apprentices would be required by their employers to be ISA-registered anyway, if their job entails teaching enrolled students under the age of 18.

Adults who work with students aged 16-17 who are placed in workplace training placements in the course of their studies

- a) No manager or other employee/volunteer carries out regulated activity in working with a student aged 16-17 on a placement. No one commits an offence if barred or is required by statute to be ISA-registered/checked.
- b) However, in the case of education or training funded under the Apprenticeships, Skills, Children and Learners Act 2009, the college (or school if applicable) may ask the employer to check whether any employee carrying out the funded activity (ie. training, instruction or supervision) is ISA-registered. The college may ask the employer to carry out the checks before it agrees to the placement. The college and the placement provider should agree, through their partnership arrangements, who if anyone in the workplace the employer should check on the basis of workplace suitability and risk assessments. Note that if this process results in an employer requiring an employee to apply to register with the ISA, the employer has no entitlement to require the employee to use the facility on the application form to apply for a CRB disclosure.

Workplace or community volunteering placements for students where the provider carries out regulated activity with children or vulnerable adults

- a) Work experience students under the age of 16 are not required to be, and should not be, CRB-checked or ISA-registered.
- b) Students aged 16-18 in schools and FE colleges (including those who have passed their 18th birthday) should not be CRB-checked and ISA-registered/checked if they carry out forms of regulated activity which are not subject to specific staffing regulations that require those checks.
- c) Students aged 16 and over must be CRB-checked and ISA-registered/checked if they are carrying out regulated activity and if sectoral staffing regulations require these checks, i.e. any work with frequent or intensive opportunity of contact with children in registered childcare premises or certain other specified places (listed in section 2 of Safeguarding Children and Safer Recruitment in Education), or with vulnerable adults in a care home.

Where there are entitlements to ISA registration and/or Criminal Records Bureau checks, when are they necessary?

Legal requirements and entitlements for people involved in work placement to register with the ISA or obtain CRB enhanced disclosures are set out above. There is currently no requirement under the SVG Act for any particular workplace role to be subject to VBS checking and registration. Schools, FE colleges, local authorities and where appropriate, employers, must have regard to this guidance in deciding whether to require ISA registration or a CRB disclosure in any particular case where the entitlement exists.

The assessment of the general suitability of the placement will need to include consideration of whether any additional safeguards are necessary. Placement organisers are required to make a judgement in each case as to whether the entitlements to conduct a check against the ISA barred lists or require ISA registration or a CRB disclosure exists. In addition to the requirements and entitlements to CRB disclosures and ISA registration introduced by the SVG Act, which are noted above, the original criterion for eligibility for a CRB enhanced disclosure still applies: namely if a person is in a position the normal duties of which include regularly caring for, training, supervising, or being in sole charge of a child. Normal duties will generally mean that the function is written down in a job description; however, this might not always be the case.

The eligibility criteria for CRB disclosures and ISA registration relate to a “position” or “activity” respectively which need not relate to a person’s paid employment. They therefore cover voluntary activity such as that carried out by a workplace mentor.

Not every person coming into contact with the child during a placement, whose position does not require frequent, intensive or overnight contact is eligible for a CRB check or asked to register with the ISA. This may be deemed a controlled activity.

There may be someone in most long-term extended work placements who has a designated responsibility for the child and who has contact with them on the days when they are at the placement and who meets the criteria for checks. Equally, there may be some circumstances, because of the nature of the workplace or the organisation of the placement, where there is no one eligible for a CRB. This might be the case, for example, where there is a member of staff who is responsible for liaison with the placement organisers and for general oversight of students, but who does not have regular contact with them.

In other circumstances the student may move around different departments or Work stations so that s/he interacts with a number of people during the placement who each take some responsibility for supervising him/her. In this case, there may be no single individual who meets the criteria, and a CRB check or ISA registration check on all of the eligible staff the child might come into contact with would not be appropriate.

If an LA, school or FE institution is responsible for a young person, it should decide whether or not a CRB check or ISA registration is necessary in the circumstances pertaining in each placement where the eligibility criteria are met. Where this function is delegated to a placement organiser any decision on whether or not a checks or registration are appropriate should be discussed with the LA or school or FE institution. The rationale behind any decision not to have a CRB check done or to require ISA registration should be recorded.

If an employer is responsible for a young apprentice, it should be guided by this guidance and the apprenticeship funding contract in determining whether it should carry out a CRB check or require ISA registration for any of its own employees or whether it should require an assurance from another training provider with whom it places an apprentice that it has carried out such checks on any of its employees.

Circular 337, issued in 2002 states:

“Pupils who undertake short periods of work experience that involves contact with children in other schools or education establishments need not be checked. However, learners who are required to work with children as a necessary part of a training course, e.g. student teachers, nursery nurses, etc. will need to be checked when they are accepted onto the course.”

Child Protection Guidance for Learners at WRL Placements Away from School Premises

Contents

Policy statement

Standards for off school site WRL placements for:

- EBF, contracted Health and Safety Advisers and schools and colleges
- Service agreements between EBF, Nottingham City and Nottinghamshire
- LA's schools and sixth form colleges
- Health and Safety Advisers
- Placement providers
- Placement providers – handout version
- Placement providers Safeguarding Policy
- Reference materials

Safeguarding Standards for Off School Site WRL Placements

1. Agreed Standards for EBF, their contracted Health and Safety Advisers and Schools/Colleges

Pre-Placement Visits

- Safeguarding issues form part of the evidence base on which a decision to place a learner is made
- The 'Pre-Placement Assessment Visit Form' must record the fact that a discussion took place and also record if the safeguarding guidance and policy for placement providers was left.

Record Keeping

- EBF is to keep a printed log of minor incidents or concerns about a particular placement, which in themselves do not merit action but may build up a picture of potential problems over a period of time. These may arise from staff visits, learner de-brief or Health and Safety Adviser checks.

(N.B. Any records held concerning an individual can be scrutinised by that individual under the terms of the Data Protection Act 1998)

Incident Procedures

- A factual written log of all calls and actions is to be kept by all involved parties
- The learner must be withdrawn from the placement. The Headteacher of the School/College must be informed immediately
- NO FURTHER ACTION is to be taken until requested to do so by the Headteacher/Principal or equivalent, the Chair of Governors or the LA. Where liaison with the Police, Head of Safeguarding (City), Assistant Safeguarding Children Officer (County) or Principal Education Welfare Officer (County) is appropriate, such liaison must be instigated by the Headteacher/Principal or equivalent, or the nominated representative of the LA
- The placement should be designated as 'unsuitable' for placements until such time as the source of the incident (both personal and systemic) has been removed and a re-visit by a competent Health and Safety Adviser has been undertaken. Even if the abuser is the learner, there may be a degree of culpability on the part of the employer for not providing sufficient placement supervision
- Any relevant advice/information from children's social care or the Police should be taken into consideration when re-assessing the suitability and safety of the placement
- Following an incident, procedures and internal systems should be reviewed and revised, as appropriate, with all involved parties

2. Agreed Standards to be incorporated into service agreements between EBF and all Nottingham City and Nottinghamshire LA Schools and Sixth Form colleges

There must be a requirement for schools, colleges or Training Provider:

- To provide the learner, and his/her parent/guardian/carer with an emergency contact number
- To brief learners about safeguarding issues, as part of their WRL placement preparation programme
- To inform EBF, via the request for WRL placements check procedure, of any learners whose profiles include significant 'at risk' elements including: medical, emotional/behavioural, criminal record and special educational needs
- To inform EBF via the request for WRL placement check procedure of any learner(s) who should not be offered placements working with children and vulnerable adults
- To organise visits by an appropriately authorised adult to learners at their WRL placement
- To support learners 'at risk' as identified in point 3 above, with regular telephone contact with the learner and the placement provider, in addition to the placement visit
- To brief visiting staff, to monitor safeguarding issues at the placement and to report any concerns to the WRL placement co-ordinator and the designated person (Child Protection). Any such information must be passed to EBF's Work Placement Manager
- To include reference in the learner's de-brief programme to safeguarding issues and report back any concerns raised to EBF's Work Placement Manager

The Sharing of Confidential Information

In order to strengthen the duty of care towards the employer providing the WRL placement opportunity, and his/her workforce, it is necessary to inform the employer about particular aspects of a learner's special needs, including any relevant safeguarding issues or behaviour. The learner and parent/guardian/carer must be informed of this requirement in order to understand the reason why. Discussions about how best to inform the employer should be agreed by the learner, parent/guardian/carer, and the placement organiser, in order to create a 'circle of confidence' of adults who share the responsibility with the employer, for the learner's welfare.

Disclosures

- Disclosures about learners 'at risk' or 'unsuited to work with children and vulnerable adults' should be passed on to placement providers by the most appropriate method in consultation with EBF and the School/College or Training Provider. (This is in addition to disclosures for health and safety reasons)

Parents/Carers

- To complete an agreement/consent form, which contains a statement encouraging them to feedback safeguarding issues or concerns, that arise before, during and after the placement

Training of Nominated Staff

EBF must ensure that safeguarding issues are raised during the induction of new staff and during refresher training of existing staff, including Health and Safety Advisers, with a special emphasis being given to the recognition of potential concerns in the workplace

3. Safeguarding Guidance for Health and Safety Advisers

It is essential that WRL placement providers should be confident that they are not putting either themselves or a young person at risk through the offer of a placement. This is an issue that requires sensitive handling on the part of the Health and Safety Adviser. The following aide memoir provides a useful tool in diagnosing where the incidence of such risk is likely to be potentially significant.

In the first instance the Health and Safety Adviser should establish (either by questioning or observation as appropriate) whether or not the placement involves any of the elements itemised below:

Learners required to:

- Work alone with one employee/employer for extended periods of the day
- Work in isolated environments
- Work in environments where they are alone for substantial periods of the day exclusively with employees of one sex
- Travel around in company or private vehicles as a regular aspect of the placement
- Work only with a young workforce who may be subjected to initiation ceremonies and horse play
- Work unsocial hours, either early in the morning, in the evening or through the night
- Work where sexually or racially explicit materials exist within the environs of the placement
- Work in situations where direct physical contact between the learner and an employer/employee/client is an inevitable aspect of the placement activity
- Work where there is a distinct chance of unsupervised access to the internet
- Work with children and vulnerable adults, the elderly, disabled or SEN children or adults

If any one or more of the above are features of the WRL placement, the pre-placement visitor should establish the extent of confidence building measures that alleviate the potential for problems, such as:

- The proximity of other personnel
- The extent to which the learner's location is likely to be visited by other employees or members of the public
- The extent to which the mentoring employee has to maintain regular direct contact with an operations base
- The existence of an emergency means of communication, readily accessible to the learner

In coming to a conclusion as to the appropriateness of the placement, the Health and Safety Adviser should provide written comments and conclusions based on safeguarding issues where these have been raised. Health and Safety Advisers must make judgments based on current legislation and supporting evidence, in determining whether or not a placement is safe and suitable.

EBF's Health and Safety report and assessment documents should include questions indicating that safeguarding issues were discussed and include a response box to show that literature relating to safeguarding issues was left with the provider

4. Safeguarding Guidance for Placement Providers

For adults working with young people, particularly those still of compulsory school age or vulnerable adults, it is important to be aware of potentially difficult situations. By following the simple guidance outlined below it should be possible to ensure that the placement is a secure and productive environment for both the provider and the learner.

Schools/colleges have responsibility “in loco parentis” (in place of parents) for the safety and welfare of their learners. Employers are asked, when offering a work-related learning opportunity, to take responsibility for the social and physical welfare of each learner. Employers should ensure that their and their employees’ relationship with learners on placement is appropriate to learner age and gender and does not give rise to comment or speculation. In addition, attitude, behaviour and language all require care and consideration.

- **TOUCH**

There may be occasions when you need to touch a young person (e.g. When you are guiding them in carrying out a technical operation) but these should be kept to a minimum.

- **BEHAVIOUR**

Whilst it is important to reassure a young person who may be nervous in a new placement, you should avoid causing embarrassment, fear, or being over familiar in any way.

- **ENVIRONMENT**

Where possible avoid being on your own in an isolated or closed environment with a young person.

- **TRAVEL**

Ensure that there is a known destination and check in times with a third party in situations where a young person will be travelling alone with an adult during the placement. It is a good idea to make available a mobile phone (or equivalent) in such situations.

- **MENTOR**

Those placed immediately in charge of young people should be competent in their work role, mature in their attitudes, and yet at the same time, be at ease with them.

- **DISCLOSURE**

Occasionally, young people may disclose confidential information to a work colleague that gives rise to concern for their physical or emotional safety. In such situations you should speak to your line manager and share your concern with an appropriate representative of the education provider (usually this will be a school’s work experience co-ordinator or the Headteacher) or EBF’s Work Placement Manager can be contacted on 0115 9601540

- **DISQUALIFICATION**

You are reminded that you are required by law to protect young people/vulnerable adults from harm and that all employees are required, under the Criminal Justice and Court Services Act, to declare that they are disqualified from working with young people/vulnerable adults. In addition, under The Safeguarding Vulnerable Groups Act 2006, an employer must not knowingly engage a “barred person” in regulated activity.

Safeguarding (including Child Protection) Policy

This policy sets out this organisation's commitment to safeguarding young people/vulnerable adults from abuse and indicates how this commitment is supported.

This policy has been drawn up for the purpose of work-related learning participation and the content applies to all young people under the age of 18 and vulnerable adults under the age of 25.

- This organisation will do all that is reasonably practical to safeguard learners from abuse, physical, social, emotional, sexual or racial.
- We will take reasonable steps to comply with all relevant Acts and Regulations.
- We understand our obligations under the Criminal Justice and Court Services Act and The Safeguarding Vulnerable Groups Act 2006 and will disclose to Education Business Futures on (0115 9601540) of names of individuals who are disqualified (barred?) from working with young people/vulnerable adults, if they are known to us.

Education Business Futures will encourage educational establishments to brief learners on the issues of child protection before they attend a work experience or work-related learning placement and to encourage them to report appropriately any concerns encountered in the workplace.

- This organisation agrees to report to Education Business Futures any issues related to the welfare of learners on placements, including suspected cases, or unsubstantiated allegations. The prime communications route for this would be to make contact with the Headteacher/Principal/Work Experience Co-ordinator of the learner's school/college/agency who will then inform EBF
- Within the terms of the current Data Protection Act, due consideration will be given to the secure storage of information about the learner.
- Where lone working, lone travel or isolated working has been identified as taking place for the majority of the placement, the organisation agrees to take into consideration individual learner needs and appoint appropriate supervision. It is also agreed that where appropriate, a Criminal Records Bureau (CRB) check may need to be undertaken by the school/college or other agency on key staff.
- This organisation agrees to disseminate any safeguarding (including child protection) information provided by Education Business Futures to all relevant staff.

Signed: Date:

Annex 3

Data Protection

Preamble

The Data Protection Act 1998 requires schools, LAs and the Department for Children, Schools and Families to hold information on learners for specific purposes allowed by law.

In order to secure safe and suitable WRL placements as part of a WRL programme in the key stage 4 curriculum, essential data of learners in Year 10 and Year 11 of schools in Nottingham City and Nottinghamshire LAs is incorporated into a database that allows them to select and be matched with an employer WRL placement opportunity.

The security of the system that holds this data, and the process by which it is administered, is managed by EBF.

EBF is contracted to deliver a range of WRL programmes that generate active participation between education and the business world. A significant role for EBF is to operate an effective and efficient WRL placement service for schools, colleges and their learners, with link employers, training providers and FE colleges.

In order to carry out its responsibilities for all those involved in the provision of quality WRL placements, EBF has contracted with Safety Measures to provide a Health and Safety assessment service, to approve safe and suitable off school site WRL placements for pre and post 16 learners in Nottingham and Nottinghamshire.

EBF has contracted with STAFFORCE LIMITED to provide a secure online web database that enables the selection and matching of WRL placement opportunities, together with staff training, ongoing support, and an advice and problem solving service.

EBF are committed to carry out their responsibilities and the associated procedures in accordance with the Data Protection Act.

1. Introduction

The Data Protection Act specifies how information about individuals is obtained, stored, processed and communicated to others. It is a criminal offence not to comply with the Act.

The Data Processor of the Central Work Experience Organisation (CWO), who is responsible for systems for processing data about an individual, will be expected to explain the principles of data protection and to process data in accordance with those principles.

The revised Data Protection Act 1998 came into force on 1st March 2000. Revisions since the 1994 Act include enhanced access rights for the individual, the concept of sensitive data, tighter controls on sharing and accuracy of data and now includes the processing of data held on any medium e.g. computer, paper etc. Manual Data had not been exempt from parts of the new Act since 23rd October 2001, which allowed for non-relevant or inaccurate manual records to be sifted or destroyed before an individual had access rights to the data.

This guidance covers the eight principles of data protection, gives definitions relevant to CWOs, and then gives guidance on the Act in relation to the placement process, firstly regarding learner data and then placement provider data.

2. Principles

2.1 FIRST PRINCIPLE

Data must be processed 'fairly and lawfully'

2.2 SECOND PRINCIPLE

Data can only be processed for 'specified and lawful processes'

2.3 THIRD PRINCIPLE

Data should be adequate, relevant and not excessive to the purpose

2.4 FOURTH PRINCIPLE

Data must be accurate and up to date

2.5 FIFTH PRINCIPLE

Data can only be kept for the duration of the purpose for which it was obtained

2.6 SIXTH PRINCIPLE

Data must be processed in accordance with the rights of data subjects

2.7 SEVENTH PRINCIPLE

Data must be held in a secure manner

2.8 EIGHTH PRINCIPLE

Data cannot be transmitted outside the European Economic Area without the consent of the Data Subject

3. Definitions

3.1 Personal Data

Means 'data which relates to a living individual who can be identified:

* from those data; or

* from those data and other information which is in the possession of, or is likely to come into the possession of, opinion about the individual and any indication of the intentions of the Data Processor or any other person in respect of the individual.'

For CWOs this would include information about learners, teachers, placement providers and anyone else the CWO may deal with. In addition the CWO's staff records are subject to the Act.

3.2 Sensitive Personal Data

The Act draws a distinction between Personal Data and Sensitive Personal Data.

Sensitive Personal Data, relevant to CWO processes, would include 'ethnicity, physical or mental health condition, the commission by the individual of an offence committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.'

For CWOs this might include issues such as the ability of learners and their possible behaviour on placements.

3.3 Data Processor

'A person who (either alone or jointly, or in common with others) determines the purposes for which, and the manner in which, any personal data are, or are to be, processed.'

For CWOs this is the person responsible for systems for processing data. Everyone who is involved with the organisation or administration of placements has a responsibility to follow systems as defined by the Data Controller.

3.4 Data Subject

An individual who is the subject of personal and sensitive data e.g. learners, parents, teachers, placement providers, supervisors, CWO staff.

3.4.1 The Right of Subject Access

An individual has the right, subject to the payment of a fee, to be given details of the data held, how it is processed and the purposes for which it is held. The data controller has 40 days to comply.

3.5 Processing

Processing is any operation carried out on the data including obtaining (recording), retrieving, altering, disclosing and erasing, including passing learner data on to placement providers.

3.6 Explicit Consent

For sensitive personal data explicit consent must be given by the data subject. It is advisable that parental explicit consent be also obtained. This requires active communication with the data subject and must specify the data, and the purposes for which the data is held. This would include specifying what data is passed on to the placement provider.

4. Learner Data

4.1 School Held Data

The educational establishment should seek the explicit consent of the parents to pass on personal data and sensitive personal data concerning the learner to the CWO.

This should be done prior to the CWO receiving the learners' application form. It would be advisable to state this requirement in any agreement or contract the CWO may have with the educational establishment.

4.2 CWO Data Protection Consent Form

This form should give, in writing, reasons why each specific piece of data is required. The information should explain:

4.2.1 The data

4.2.2 The purpose for obtaining the data

4.2.3 What data is passed on to the placement provider

CWOs may like to include this information in the selection application forms. Signatures of parent/guardian/carer and learner should be obtained so that explicit consent is given.

NOTE: Any unsubstantiated information (hearsay etc) about an individual, obtained from any source, should not be held or passed on.

4.3 Bulk Learner Data (e.g. SIMS)

Personal data which may have been passed to the CWO in bulk for a whole year group should be scrutinised, and at an appropriate time, details for learners who will not be placed should be deleted as soon as practical (Principle 3).

4.4 Parent/Learner Agreement/Consent Form

CWOs may consider including sensitive personal data as well as personal data on the agreement/consent form so that parents/learners are fully informed of the data held and passed on to the placement provider.

4.5 Relevant Data

CWOs need to justify that information passed on to placement providers is relevant. In particular the need to pass on the home address should be carefully considered in view of safeguarding considerations. The type of information which is passed on should be reflected in the consent form (see 4.2)

4.6 Placement Provider Agreement/Consent Form/Letter of Understanding

The form should explain to the placement provider that permission has been given for the CWO to pass on the personal data and the sensitive personal data. This form should also make reference to the confidential nature of the information and the need for the adequate security and storage of the data.

4.7 Placement Provider Feedback to Learner

This form is used by some CWOs to assess placements but CWOs need to consider whether this is an appropriate vehicle for receiving information about the placement because it may include sensitive personal data on the learner.

4.8 Accident Reporting

RIDDOR reporting by employers is covered by statute which is one of the exemptions which permit the processing of personal data and sensitive personal data. There is a further exemption where the processing of data is required by a Government Department.

5. Placement Provider Data

It is advisable that systems are put in place to comply with the Data Protection Act, and to review data held, when employers are revisited. This is to ensure that no sensitive personal data continues to be held illegally.

5.1 Company vs. Individual Data

In deciding whether personal data is being processed, especially where comments or opinions are made, reference to companies is not considered within the Act unless a data controller can form a connection between the data and the individual. So, comments about 'the supervisor' or the '...department' may still be personal data if a person could be identified from the comments. Special consideration should be made for data held on companies with only a few employees.

5.2 Personal Data and Sensitive Personal Data

Consent must be sought from the placement provider to hold personal data.

It is very unlikely that sensitive personal data would be held in which case specific consent would not be required. Care will need to be taken if the ethnicity of the workforce is recorded by the CWO – in this case explicit consent must be given.

Consent could be given on the Letter of Understanding and/or the Agreement/Consent form.

5.3 Learner and Teacher Feedback on Placement Providers

Data subjects have the right under Principle 6 to prevent processing likely to cause damage or distress. It is not recommended that Learner Feedback forms be retained by the CWO, as they are the property of the school and/or the learner. However, where these are analysed for quality control purposes care should be taken that personal data is not recorded. Any forms retained containing inappropriate personal data should be destroyed.

5.4 Accident Reporting

RIDDOR reporting by employers is covered by statute which is one of the exemptions which permit the processing of personal data and sensitive personal data. There is a further exemption where the processing of data is required by a Government Department.

Until clarification of accident reporting procedures is available care should be taken when recording and reporting an accident to the LA, etc...

6. Retention of Data (Principle 5)

6.1 Retention of Data

The Act requires that data be held only as long as is necessary. For learner data this could be held pending a possible placement post-16. For placement provider data this could be held against a possible future placement. The CWO would need to justify for each record why it was still being held even though there was no current placement activity.

6.2 Deletion of Data

When data is no longer relevant it is recommended that paper records be shredded in accordance with Principle 7 to prevent the data from being used unlawfully. Care should be taken that archived copies of data held on electronic media are only held as long as necessary. For contractual reasons data may be required to be held longer and consideration should be given for the data to be made anonymous. The data will only be anonymous if the data controller cannot identify the individual from the data held. It is considered that the removal of contact details (address, telephone, email etc) may be sufficient to prevent identification of one individual from another.

Learner Data – Schools/Governors/LAs require learner records to be held for up to eight years. It may be appropriate that paper evidence of the learner's WRL placement is returned to the school for storage.

7. Security

7.1 The Act requires that measures are taken to prevent data from being accidentally damaged, lost, or processed unlawfully. It is therefore essential:

- that CWOs have adequate backup facilities for electronically stored data
- that an effective password regime is in place for access to computer databases

- that access to backup media is secure and that building and room security is sound by the appropriate use and control of keys to doors, cabinets etc..

7.2 See also paragraph 4.6 about the requirement of placement providers to hold personal data securely.

7.3 See also the previous paragraph with reference to the safe destruction of personal data.

7. Notification

8.1 The Data Protection Commissioner maintains a public register of data controllers. Each register entry includes the name and address of the data controller and a general description of the processing of personal data by a data controller. Individuals can consult the register to find out what processing of personal data is being carried out by a particular data controller.

Notification is the process by which a data controller's details are added to the register.

8.2 The Data Protection Act 1998 requires every data controller who is processing personal data to notify unless they are exempt. Failure to notify is a criminal offence.

A handbook for registration and other information about registering can be found at www.dpr.gov.uk

8.3 **Note:** Each separate CWO may not be registered individually if they are part of a larger organisation.

1. Conclusion

9.1 The approach to data protection should be a common sense approach. The test when considering data protection is to put yourself in the position of the data subject and consider if you think the CWO's processes, procedures, storage facilities, security measures and communication procedures are proper and reasonable.

Annex 4

Conditions Affecting the Welfare of Learners on WRL Placements

Consent of Parent, Guardian or Carer

The Nottingham City and Nottinghamshire LAs view work-related learning as an entitlement for all learners.

The written consent of the parent, guardian or carer must be obtained before a learner below statutory school leaving age can take part in a WRL programme that includes a WRL placement away from school premises.

Parents or guardians should also be asked to identify any health issues, and other conditions, which in their opinion could restrict their child's ability to undertake the proposed WRL placement.

Parents, guardians or carers need to be fully informed of the nature and purposes of WRL placements. Parents' evenings can provide a valuable forum for exchange of ideas and for dispelling concerns and possible misunderstandings. Correspondence with parents should set out the aims of the programme, including its link with the curriculum and the emphasis that is placed on health and safety. It should also include organisational arrangements including selection of and reasons for choosing a placement. See example at Appendix D.

Medical and Other Information Relevant to WRL Placement Provision

The recommended letter and consent form in Appendix E require parents/guardians/carers to provide details of any medical or other condition, which need to be taken into account before a WRL placement is confirmed.

Where there is any question or concern about a learner's suitability for a placement due to a medical or other condition, the parent/guardian must be consulted.

Details of a learner's medical or other condition can only be revealed with the knowledge and permission of their parent/guardian/carer.

Payments Towards Travel and Meals

Employers should not make payments to learners for any 'work' completed while on a WRL placement, as part of their full time education.

There are no objections to an employer contributing towards additional expenses for travel or meal costs that are incurred by learners during their placement.

Meal Entitlement

Where a learner is entitled to a free school meal, the school should arrange the availability of a meal, a packed lunch or provide money/vouchers from school funds.

Nottingham City schools, provided they have contracted with the Nottingham City Catering Service, can claim a sum for each of their learners' entitled to a free meal during the time they are at a WRL placement. Details of the number and names of qualifying learners should be sent to the Senior Admin Officer at:

Medway Buildings
Eastcroft Depot
London Road
Nottingham
NG3 3AH

Telephone enquiries on (0115) 915 2294

Nottingham City schools that have not contracted with the Nottingham City Catering Service should make their own arrangements to ensure that learners entitled to a free school meal are not disadvantaged when on a WRL placement.

Nottinghamshire LA schools should make provision for their qualifying learners, out of their free meal budget allocation.

Annex 5

Selection of WRL Placement for Learners in Nottingham City and Nottinghamshire County Council

A key principle for members of the Nottingham and Nottinghamshire Local Authorities Business Partnership Group is that in order to generate success, satisfaction and achievement from the WRL programme, teacher-guided selection should ensure the learner's aptitude, ability and personal qualities match the range of learning tasks and work situations offered by the WRL placement opportunity, and benefit the learning.

In order to ensure a quality managed WRL placement selection process, EBF on behalf of the Group has established a system by which all requests for placements has to be followed, for ALL block, extended, and targeted WRL placements.

WRL placements that are linked to FE College or Training Provider programmes MUST be secured through the host school of the individual learner seeking the placement.

In Nottingham and Nottinghamshire the selection, safety and suitability of ALL approved WRL placements is secured via use of the Education Business Futures online database:

Access to the online database gives staff and learners the opportunity to search and select potential quality placements.

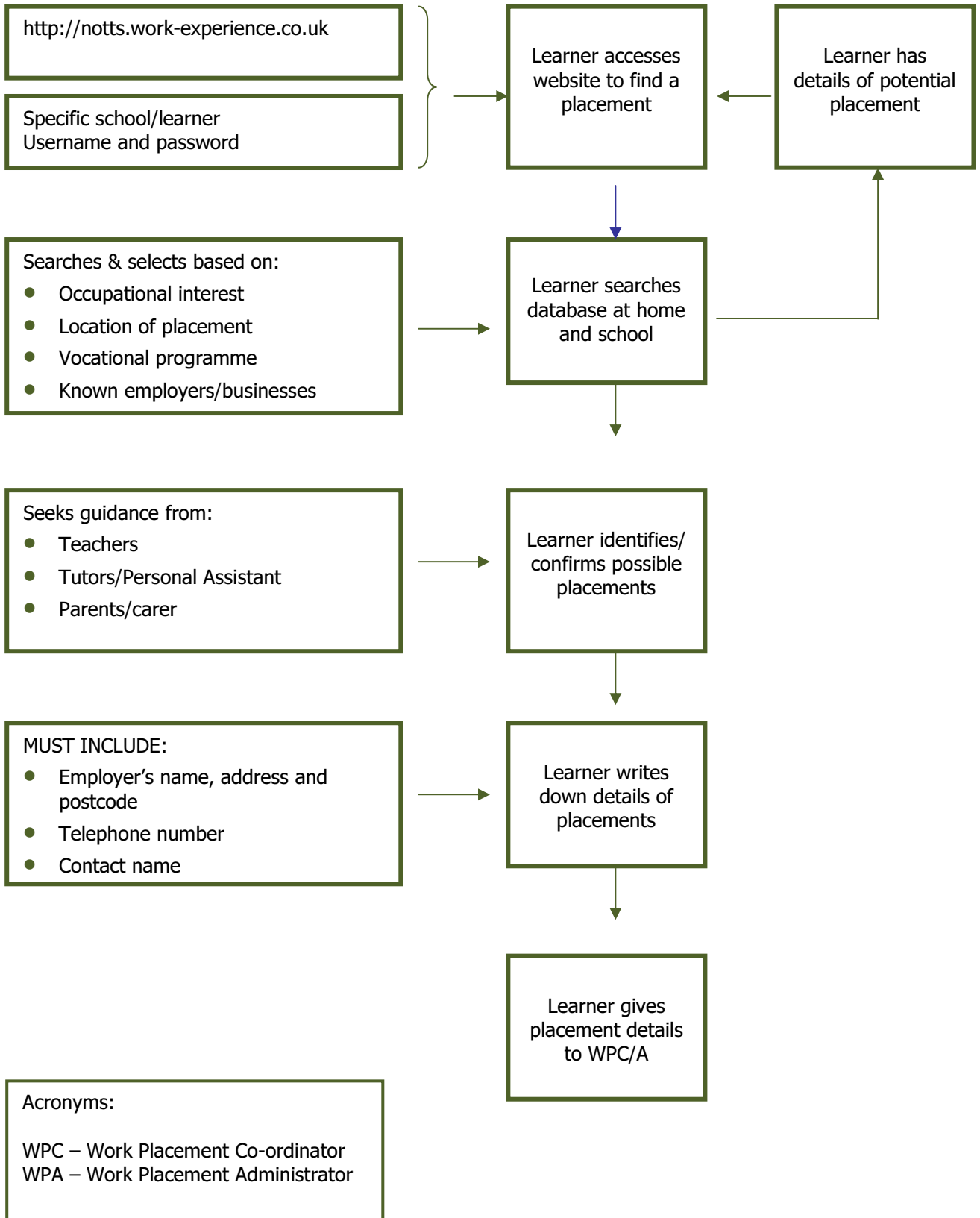
All WRL placements when identified for use by learners by whichever method must follow the procedure set out in the process charts later in this Annex. The school has the responsibility to ensure that when the placement is confirmed as approved via the online database, it also meets the other criteria specified in this guidance.

The Online database

Details of how to use the online system in order to secure ALL types of WRL placements from the database are set out in the following:

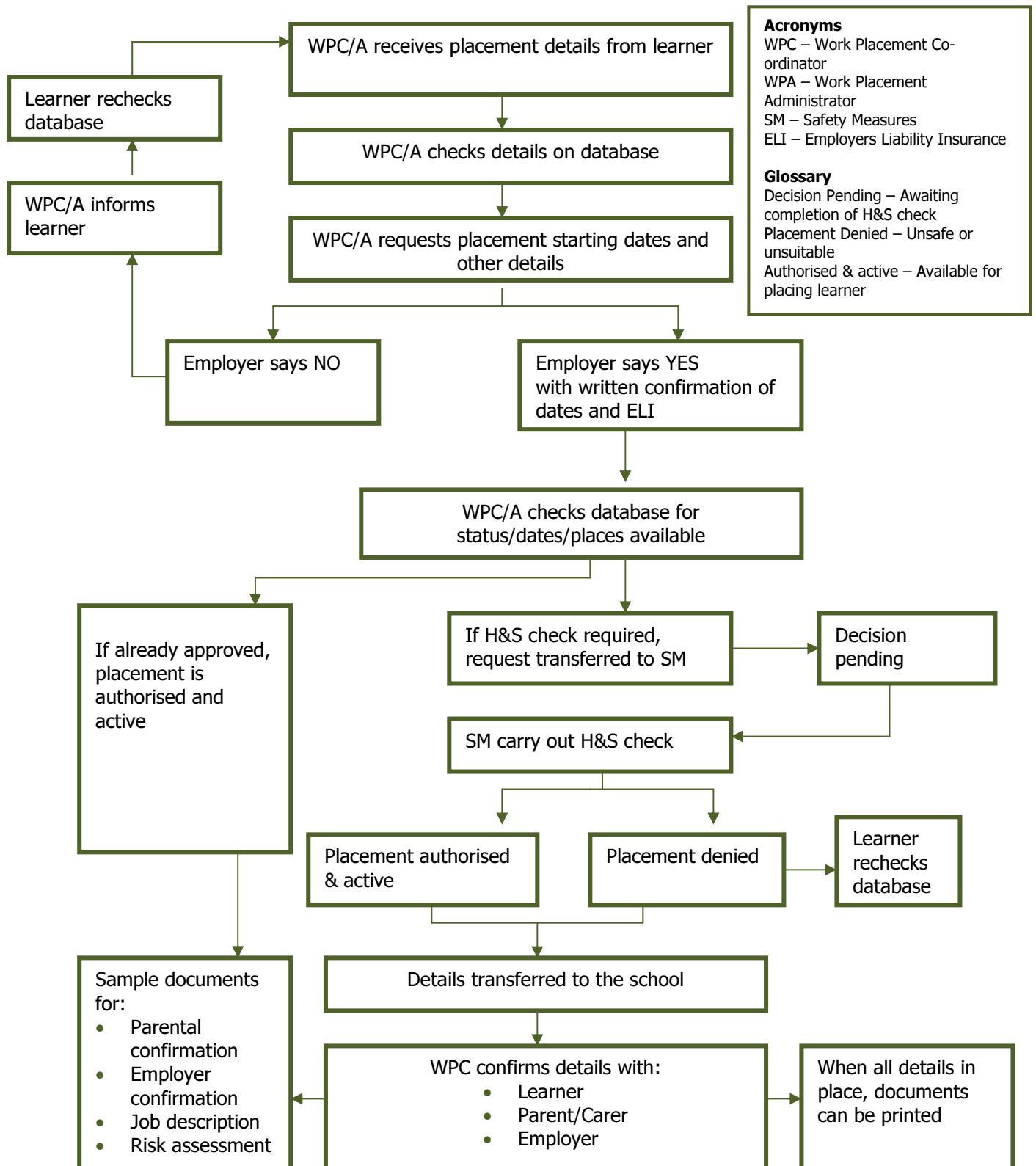
- A process chart for learners to access, search and select placements, prior to giving details to the teacher in charge of WRL and the WRL placement programme. See page 69
- A process chart for WRL coordinators, administrators and other teachers, to check the suitability of placements and validity of their health and safety status, prior to confirming details with learners, parents / guardians / carers / and employers, training providers and FE colleges. See page 70
- Support notes with text and screen prints - A step by step guide through the complete process.
- For general communication the on-line database Message Board can be used to make general enquiries, to raise issues of concern and to share useful ideas with colleagues.

Process for Selection of WRL Placements using the On-Line Database



Work Placement Co-ordinators' Process

For confirming WRL Placement Opportunities using the On-line Database



Acronyms
 WPC – Work Placement Co-ordinator
 WPA – Work Placement Administrator
 SM – Safety Measures
 ELI – Employers Liability Insurance

Glossary
 Decision Pending – Awaiting completion of H&S check
 Placement Denied – Unsafe or unsuitable
 Authorised & active – Available for placing learner

WRL Placement Programme Checklist

The sequence will vary according to circumstances:

Documents		Date
	Request placements from employers	
	Launch to learners – WP Brochure – Application Form	
	Employers confirm WP availability	
	Learners search database/select WPs – Complete application form	
	Curriculum programme <i>Include H&S, learning outcomes, behaviour expectations, log book introduction and entries</i>	
	Consent letter to parents/guardians/carers	
	Consent received with relevant health and other information	
	Learners matched to placement	
	H&S status checked/confirmed OR H&S check requested (8 week deadline)	
	H&S confirmation received	
	Placement confirmed with employer <i>Learner's name, profile, job description and risk assessment</i>	
	Placement confirmed with parents/guardians/carers <i>Contact name, address, tel no.</i>	
	Learner interview at placement <i>To confirm learning outcomes, work tasks</i>	
	Placement begins <i>Induction, agreed WP programme, log book entries</i>	
	Teacher support visit <i>Review with learner and supervisor – recorded</i>	
	Supervisor review with learner <i>Log book completed, learning evidence validated</i>	
	School debrief of experience and learning benefits <i>Links with curriculum programme(s)</i> <i>Learner completes Profile Statement</i>	
	Learner personal letter of thanks to placement	
	Review and report of WP programme <i>To senior managers and governors</i>	

Appendices

- **Appendix A** Educational Visits for individual or groups of Nottinghamshire learners funded by Aimhigher or similar programmes – Code of Practice
- **Appendix B** Service Level Agreement for the Aimhigher Smallpeice Residential
- **Appendix C** Work shadowing and work observation
- **Appendix D** Draft letter to Parent/Guardian/Carer for Pre-16 learners on WRL Placement
- **Appendix E** Draft consent letter for Parent/Guardian/Carer for Pre-16 learners on WRL Placement

Appendix A

Code of Practice

Educational Opportunities for Individual or Groups of Nottinghamshire Students Funded By Aimhigher and Similar Programmes

An increasing range of out of school opportunities is available for young people. These opportunities include vocational learning, college placements and other experiences, including those funded by 'Aimhigher', which encourage a successful transition to further or higher education.

It is essential that the health and safety of young people involved in these opportunities are satisfactorily secured. There are two key policies currently available to Nottinghamshire schools:

- Off-site visit policy for Nottingham City
- The Educational Visits Policy for Nottinghamshire Schools (EV policy) (Nottinghamshire County Council 2003)
- Work-Related Learning (WRL) -guidance for pre-16 students on WRL placements (Nottingham and Nottinghamshire Work-Related Learning Partnership 2004)

However, neither of these policies will necessarily provide a complete health and safety framework for the 'Aimhigher' type of opportunity described above. The educational visits policy is concerned with educational activities organised by a school. The WRL document is concerned with arrangements for block and extended WRL for under 16s' learning placements at an employer's premises or a college.

This code of practice is therefore aimed at providing a framework for learning activities organised with a school by another organisation – a 'provider' – for a school or number of schools. It will draw on both the EV policy and WRL guidelines where appropriate, aiming to ensure a clear understanding of the roles and responsibilities of the different parties involved.

Code of Practice

Responsibilities of the Provider

1. Any provider to Nottinghamshire schools of educational activities must have/ensure:
 - A health and safety policy and child protection procedure which staff are trained in
 - Risk assessment and risk management systems, which are reviewed at least annually, which cover the significant hazards of the provision and include consideration of the welfare of young people within the locations and activities proposed.Public liability of at least £5 million with a clause giving indemnity to principal
 - Staff working alone with young people and/or in a residential situation are CRB checked
 - Staff working with young people on a frequent or intensive basis, or if young people are staying overnight, are subject to an enhanced CRB check
 - An accident recording and emergency procedure system (for fire, security alert, illness, injury etc.) in which staff are trained.
 - A system which ensures that all staff working with young people have been assessed as competent to fulfil their role by a suitably competent person. (This might include an assessment of qualifications, training and/or experience). Unless such persons are assessed as suitably competent to supervise and take responsibility for young people, staff from the school must be present to take that responsibility. If the provider is providing supervision, this should be in accordance with the Nottingham City Council off site visit guidance
2. If the provider is using 'third parties' to provide to schools, e.g. for accommodation, delivery of activities, work experience etc the provider must check that these third parties meet the above standards as appropriate to the particular circumstances.
3. The provider should demonstrate that their provision meets the above requirements by signing a City Council 'EV2' form or hold a learning outside the classroom quality badge which they should forward to the school.
4. The provider is responsible for making clear to school:
 - the aim of the event or learning opportunity
 - the age range and type of student at which the event is aimed
 - dates, times, locations and activities involved, any notable hazards or risks (e.g. higher risk activities such as activities by or on water, motor or air sports!)
 - contact details including contact details during the event

Responsibilities of the Provider cont.

- a written 'service level agreement' which establishes in writing the specific responsibilities of the school and the provider. This agreement must be signed by someone from each party who has the authority to make this agreement on behalf of the school or the provider.
5. The service level agreement must specify the responsibilities undertaken by the provider and those by the school. These should include which party is responsible for:
- Organisation and risk management of travel
 - Information to and from parents or guardians and obtaining parental consent (normally the school)
 - Supervision of pupils during the event (normally the school)
 - First aid arrangements
 - Arrangements for informing parents and /or the school of pupils who do not attend, abscond or become ill during the event
 - Arrangements for informing the school and leader during the event of any changes or amendments to planned programmes

Responsibilities of the School

A participating school is responsible for:

1. Considering the information provided by a provider and deciding the suitability, or not, of the event(s) for specific individual or groups of pupils.
2. Assuring themselves of the competence and standards of the provider through receiving and checking a signed EV2 from the provider or hold a Learning Outside the classroom badge. If the school has not used the provider before, checking the reputation of the provider with other schools and/or the Local Authority. If the programme involves adventure activities or hazardous outdoor environments, (e.g. water margins) the school must check with the Local Authority Outdoor Education Adviser. Providing suitable supervision for their learners on the event, including meeting any special needs in the group. If learners are judged competent to be 'remotely supervised', i.e. attending independently (e.g. sixth form students attending university induction) the school must pass all necessary information about the abilities and needs of the learners to the provider.
3. Sending information to parents and obtaining parental consent, medical information and contact details from parents as in the Nottingham City Council Off-Site Visit Guidance EV policy section 7) This responsibility should only be passed to the provider if the school has judged older learners as

Responsibilities of the School cont.

sufficiently competent to attend an event independently (e.g. university induction) and it is therefore more practical that information is transferred directly between parents and the provider. In any other circumstances where it is deemed desirable for the responsibility to be passed to the provider arrangements should be discussed and specifically approved by the Local Authority Outdoor Education Adviser before commitments are made.

4. Completing the visit approval system described in the NCC County Off-Site policy – including completion of an OV1 (at least for residential events and hazardous activities), or entering the visit on the Evolve system
5. Providing the provider with contact details of a named lead member of staff. If the event is 'after hours' or in school holidays providing contact details of at least one senior member of staff who may be contacted in emergency.
6. Ensuring that arrangements are in accordance with Nottinghamshire and Nottingham City Safeguarding Children Boards.

Appendix B

Service Level Agreement for the Aimhigher Smallpeice Residential

This agreement outlines the responsibilities to be undertaken by the Smallpeice Trust Aimhigher Nottinghamshire, and the parents/carers who have children on the residential.

Date:

Venue:

Responsibilities of the Smallpeice Trust:

- Providing information to parents/carers about the residential including information about supervision arrangements, any significant risks and that school staff will not necessarily be present.
- Obtaining parental consent, contact details, dietary and medical information.
- First aid arrangements
- Arrangements for informing parents/carers of pupils who do not attend, abscond or become ill during the event
- Providing suitable supervision for the pupils on the residential, including meeting any special needs in the group as far as is possible
- A health and safety policy and child protection procedure in which staff and supervisors on the residential are trained
- Risk assessment and risk management systems, which are reviewed at least annually, which cover the significant hazards of the provision and include the consideration of the welfare of the young people and the locations of the activities proposed
- Public liability insurance to the value of £5million, with a clause including “indemnity to principal”
- All staff, supervisors and facilitators on the residential are CRB checked
- An accident recording and emergency procedure system (for fire, security alert, illness, injury etc) in which staff and supervisors on the residential are trained
- All staff, facilitators and supervisors are trained and briefed as appropriate to ensure competence in fulfilling their role

Responsibilities of Aimhigher Nottinghamshire

- To ensure that the provider (The Smallpeice Trust) meet the responsibilities listed above
- Organisation of return transport to and from the residential
- Risk management of the transport, including arranging appropriate supervision
- Provide information to the school regarding names of students attending, and clarifying to parents/carers and the school that this is not a school or a Local Authority education visit
- Information to parents/carers about transport arrangements
- Arrangements (including transport) for a ‘Pre-visit’ for students and their parents.

Responsibilities of the parent/carer:

- Consider the information given by the provider (as outlined in the Smallpeice 'Student Protection Policy Document' - readily available to parents who wish to see it) and decide the suitability or not of the event for their child
- Make their own arrangements for insurance against loss of property
- Complete health form and return to the Smallpeice Trust
- Pass all necessary information about the abilities and needs of the child to the provider
- Assess the suitability of the level of supervision on the residential course
- Arrange for child to be at the designated pick up point on the Monday
- Arrange for child to be collected from the designated drop off point on the Wednesday
- Parents are responsible for collecting their son/daughter from the residential if circumstances make this necessary (for example illness, behavioural issues)

Signed: _____ (The Smallpeice Trust)

Print name: _____

Signed: _____ (Aimhigher Nottinghamshire)

Print name: _____

Signed: _____ (Parent/carer)

Print name: _____

Child's name: _____

Appendix C

WORK SHADOWING and WORK OBSERVATION

Visits for learners in Yr 9

Information for learners, parents, hosting employers, workplace supervisors and school support staff.

Work shadowing is when an individual learner spends time with a worker following their customary work routine to give a firsthand understanding of the roles, responsibilities and skills associated with real working days. **Work observation** is when a learner spends time in a real workplace looking at the complexity of work processes, teamwork and the skills required to provide services or products. Both are excellent opportunities for learners to gain a better understanding of the world of work.

Exciting opportunities often come from valuable friend or family contacts and as they are observational do not require the more stringent checks involved with hands on work placements. However there are still steps that can be taken to reduce or eliminate the risk of accident or injury and to make the day successful. The purpose of this letter is to ensure that all parties involved in organising the day understand their roles and responsibilities and what is required for the school to be able to approve the visit. If you are helping a learner to organise a visit you should ensure that all the parties involved see this letter and complete and sign to assure us they have understood their part. We do apologise for the formality of this letter but we feel sure you will understand the assurances we need to feel comfortable that we have taken reasonable steps to safeguard our learners.

Independent travel is an essential skill for adult working life and parents and wherever possible the visits should be arranged with this in mind. If there are more exciting opportunities with more problematic transport arrangements, or the learner has special needs, the arrangements should be discussed with the school staff.

The school needs assurances from those involved that reasonable efforts have been made to ensure that the day is properly organised and safe and that appropriate supervision and insurance is in place. The teacher with overall responsibility for the day will discuss the arrangements with the school Educational Visits Co-ordinator and they will contact you if they have any concerns over the proposed visit. The school will need the completed application to be returned at least one week before the visit in order for them to help out where necessary.

The employer or organisation will have been given this letter by a learner or parent seeking an opportunity to organise a work shadowing or work observation day with you. If you are able to help by hosting a visit you must ensure: you have a package of Employer's Compulsory Liability and Public Liability Insurance which will cover the learner as a visitor; your staff understand that this is **observation only** and not hands on work experience; the learner will be directly supervised throughout the visit; they will be given a health and safety briefing and provided with personal protective equipment and clothing (PPE&C) if necessary.

The learner must understand they have responsibilities for their own health and safety and that of others during the visit; must follow all health and safety instructions and use the personal protective equipment and clothing (PPE&C) they may required to use or wear; make sure they make the best of the opportunity and respect the ‘trade secrets’ of the employer; **take a copy of this letter with them** on the visit to show anyone who seems unsure of the purpose of the visit and what it should and should not involve.

The parent/carer must provide the employer and the school with any information on the learner’s special needs that may be relevant to their safety and that of others on the visit (in the box provided) and satisfy themselves they are happy with the travel, visit supervision and lunch arrangements.

A personal message from the Headteacher:

“Please complete the relevant section below and sign to acknowledge you have read and understood your commitment to this opportunity. We do realise these arrangements take a lot of your valuable time and I would personally like to take this opportunity to thank all involved for their part in organising a valuable experience for this young person.”

Employers contact details, nature of the business and where the visit will take place:

Employer’s name:

Signature:

Date:

Parents section – please add any comments or useful information for the employer in this section:

Parent’s name:

Signature:

Date:

Emergency contact numbers on the day:

Learner’s name:

Signature:

Date:

Address:

Mobile:

Please return the completed letter to (insert name) at the school by (insert date)

Appendix D

For Pre-16 Learners on WRL Placement

Draft Letter to Parent/Guardian re Supervision & the Sharing of Sensitive information

A copy to be kept in school file and one at the WRL placement

**SCHOOL
ADDRESS/LOGO**

DATE

PARENT / GUARDIAN ADDRESS

Dear {Parent/Guardian name}

WRL Placement – levels of supervision and the sharing of information

Supervision

As you are aware, one of {learner's name} curriculum options is {qualification}. The course is part of a collaborative partnership between the school and {name of Provider} which will result in {learner's name} being off the school site {day(s) of the week}.

A risk assessment for pre-16 year olds has been carried out and the following arrangements are in place to cover any unsupervised time, such as breaks and lunchtime:

- 1.
- 2.
- 3.

As a result of these measures the level of supervision will be slightly different from that at school. We have discussed the situation with {the provider} and feel that to give {learner's name} this young-adult freedom will help to build his/her self-esteem and increase his/her responsibilities.

If it is necessary for {student} to be absent at any time from the WRL placement, for example, a dental appointment, we will need prior written permission from you in the normal way.

Sharing information

We are also asking parents for their agreement for the school to share with the placement provider, any personal and sensitive data relevant to an assessment to ensure that the placement is appropriate and safe for each individual learner. It might include information, for example, on any medical, physical, emotional or behavioural difficulties about which the placement provider should be aware. This will be done in a sensitive way with the agreement of the learner, so that the provider can make available the necessary levels of support. Any information used to consider a suitable placement will only be shared for the purposes for which it has been asked.

It is important that we have your written confirmation about the stated level of supervision, and your agreement to share any other information where necessary. Would you therefore please sign the enclosed agreement, keeping one copy, and returning the second copy to me in order that it may be placed on both the school and {providers} files. Please note that a placement cannot be offered without the disclosure of relevant information and consent being given.

Should you wish to discuss the matter then please contact me.

Yours sincerely

NAME

WRL Coordinator

Appendix E

For Pre-16 Learners on WRL Placement

Draft Letter re consent from Parent/Guardian about supervision and sharing information

**SCHOOL
ADDRESS/LOGO**

DATE

Learner Name..... Tutor Group

WRL PROGRAMMEQualification.....
(School to complete the above)

Supervision

I have read the letter regarding WRL placements and understand the importance of {learners} health, safety and welfare whilst on premises out of school.

I also agree to support {learner} and the school by explaining to {him/her} the level of responsibility that is being placed upon {him/her} as a young adult.

I agree to the proposals for supervision as stated.

Learner Name.....Relationship to {learner}.....

Signature..... Date.....

Sharing Information

I have also read the explanation about the occasional need to share information about an individual learner's medical, physical, emotional or behavioural difficulties so that the appropriate support can be provided.

I agree to this proposal:

Learner Name.....Relationship to {learner}.....

Signature..... Date.....

If you do not agree with either or both of these proposals and wish to discuss the matter further please contact the school for an appointment with:

Name of staff member.....(School to complete)