



# State Indemnity Guidance

## SIG 12: Work Placement and Work Experience Programmes Hosted by Delegated State Authorities

### a) Introduction

The purpose of this State Indemnity Guidance (SIG) is to set out risk and indemnity advices for Delegated State Authorities (DSAs)<sup>1</sup> in their role as host employer providing work placement and/or work experience programmes.

### b) What is the difference between a work placement programme and a work experience programme?

For the purpose of this SIG and the associated risk and indemnity advices provided, the State Claims Agency (SCA)<sup>2</sup> has defined these programmes as follows:

**Work placement programme** – a programme in the furtherance of educational/learning (typically third level) where students and/or apprentices are required to undertake a work placement in an occupational setting. These participants should have a level of educational knowledge and experience in the relevant area and be able to perform appropriate and approved duties in accordance with their educational programme requirements e.g. nursing, physiotherapist, veterinary, accountancy, law etc.

**Work experience programme** – a programme to gain experience and insight into the world of work and as part of their curriculum, second level students e.g. transition year, are often required to participate in a short term placement in an occupational setting. These participants are deemed **not** to have the required knowledge and formal training to undertake any activities that require specialist training (irrespective of personal experiences outside of these programmes).

<sup>1</sup> **Delegated State Authority (DSA):** Refers to all bodies where management of personal injury and third-party property damage claims against the body is delegated to the SCA. This includes State Agencies, healthcare enterprises, community and comprehensive schools and prisons.

<sup>2</sup> **State Claims Agency (SCA):** The NTMA is known as the State Claims Agency when managing personal injury and third party property damage claims, as delegated to it, and in providing related risk management services.”

### c) Does State indemnity apply to work placement and work experience programmes hosted by DSAs?

State indemnity applies to all work placement and work experience programmes hosted by a DSA. DSAs that provide work placement and/or work experience programmes will be indemnified by the State in respect of personal injury and third party property damage claims, arising from the negligence of the DSA, its servants and/or agents.

### d) Can a student/apprentice studying outside of the Republic of Ireland participate in a work placement or work experience programme hosted by a DSA?

In general, a DSA can accept students from outside of the Republic of Ireland on work placement and/or work experience programmes. There are however some exceptions to this, therefore, DSAs should contact the SCA for further clarification in the first instance.

### e) Are there any age related restrictions, which should be considered?

There are no specific age related restrictions under State indemnity. However, DSAs should only engage individuals aged 14 years and upwards. As a host employer, you should ensure that you are aware of your responsibilities under all applicable legislation such as ‘The Protection of Young Persons (Employment) Act, 1996’, ‘Schedule 7 of the Safety, Health and Welfare (General Application) Regulations 2007’ and Child Protection legislation, etc.

**f) Can a DSA host individuals seeking work experience who are not associated/sponsored by an educational facility?**

State indemnity extends to cover DSAs who host individuals seeking work experience, who are not associated/sponsored by an educational facility where DSA management provide the appropriate approvals. DSAs will be accepting a higher level of risk when hosting these individuals. In these cases the risks associated with the placement should be managed by the DSA.

**g) When should you contact the SCA?**

The SCA does not require notifications or updates on work placement or work experience programmes hosted by a DSA. If you are uncertain as to whether State indemnity applies, or if you require risk management guidance, please contact your local insurance/risk manager where designated, or alternatively, the SCA via [stateclaims@ntma.ie](mailto:stateclaims@ntma.ie).

This State Indemnity Guidance is solely for the use of members of the State indemnity schemes managed by the State Claims Agency, in accordance with its mandate under the National Treasury Management Agency (Amendment) Act, 2000 (Delegated State Authorities or DSAs). The SCA does not bear responsibility for use of or reliance on the guidance by any party other than a DSA.

## Table 1: Indemnity/Insurance Requirements

Table 1 outlines indemnity/insurance requirements that the SCA advises all DSAs to consider prior to providing work placement and/or work experience programmes. (Please note that this is a non-exhaustive list).

		Work Placement (3 <sup>rd</sup> level) / Work Experience (2 <sup>nd</sup> level)
A	DSA Indemnity	The SCA-CS-01 - GIS Confirmation Statement can be provided as evidence of cover under State indemnity in lieu of a commercial policy. The GIS Confirmation Statement should be controlled and issued by approved personnel only. A record must be kept of when and to whom the Confirmation Statement is issued.
B	Third Party Insurance	<p>While the primary liability risk rests with the host organisation (i.e. the DSA), the third party organisation (e.g. college/secondary school) should also hold appropriate insurance for their negligence as follows:</p> <ul style="list-style-type: none"> <li>• Public Liability (PL) with recommended limits of indemnity of €6.5m for any one claim or series of claims arising out of a single occurrence (note, lower limits are acceptable where risk assessed);</li> <li>• The territorial limits of these policies must include the Republic of Ireland;</li> <li>• The policies should be subject to Irish Law and Irish Court jurisdiction.</li> </ul> <p>Other insurances may be required for non-routine placements. Please contact the SCA in such circumstances.</p> <p><b>Note</b> – in the event that appropriate insurance cannot be provided from the third party or the work placement is taking place outside an educational programme, the placements can still proceed based on a management decision and State indemnity will respond for any DSA negligence arising. However in this arrangement the DSA is accepting a higher level of responsibility and liability, and thus risk, when hosting these individuals. In these cases the risks associated with the placement should be assessed and managed by the DSA.</p>

## Table 2: Risk Management Considerations

Table 2 outlines risk management considerations that the SCA advise all DSAs to consider prior to providing work placement and/or work experience programmes. (Please note that this is a non-exhaustive list).

		Work Placement (3 <sup>rd</sup> level) / Work Experience (2 <sup>nd</sup> level)
A.	Approval, Procedure and Agreement	<p>The SCA advises that a policy and procedure is developed by all DSAs that are hosting such programmes.</p> <p>A formal agreement must be put in place between the educational facility (and participants) and the DSA setting out the roles and responsibilities of all parties, the terms and conditions of engagement, insurance and indemnity arrangements, risk considerations etc.</p> <p>DSA management should approve the engagement of participants as part of an established work placement and/or work experience programme within their DSA.</p>
B.	Risk Assessment	<p>While the individual is on placement/experience, they are under the direction and control of the DSA and they require the same duty of care a regular employee would receive.</p> <p>A risk assessment must be completed prior to engagement of the student/apprentice and identified control measures implemented. Risk control measures for engagements of those on approved work placement/experience should be directly related to the individual's level of competence and the activities they shall undertake.</p>
C.	Garda Clearance/Vetting	In accordance with the DSA's policy and procedures.
D.	Data Protection & Confidentiality	In accordance with the DSA's policy and procedures.
E.	Incident Reporting and Investigation	<p>All incidents involving participants on work placement and/or work experience programmes should be reported to the SCA. DSAs should also investigate incidents in accordance with your DSA's incident reporting and investigation procedure.</p> <p>Incidents can be reported using the National Incident Management System (NIMS) or where NIMS is unavailable, by completing the relevant National Incident Report Form (NIRF) and sending it to <a href="mailto:StateClaims@ntma.ie">StateClaims@ntma.ie</a>.</p>

Table 2 continued overleaf

**Table 2: Risk Management Considerations (Cont'd)**

		Work Placement (3 <sup>rd</sup> level)	Work Experience (2 <sup>nd</sup> level)
F.	Supervision	<p>Supervision arrangements should be subject to the outcome of the risk assessment and in accordance with the educational programme requirements.</p> <p>Note: Third level students who are on a clinical placement, will be covered in respect of clinical negligence under the Clinical Indemnity Scheme (CIS)<sup>3</sup>, managed by the SCA, provided that they are supervised in respect of their clinical duties and are linked with an educational institute. Please note there are certain exceptions to certain categories of students e.g. a student/apprentice studying outside of the Republic of Ireland.</p>	<p>Work experience students should be appropriately supervised at all times. Supervision arrangements should be subject to the outcome of the risk assessment and based on the fact that these students do not have the required knowledge, formal training or experience.</p>
G.	Training	<p>Work placement students/apprentices must receive, at minimum, appropriate induction training. Should participants require any additional training (as per risk assessment outcome), such as manual/people handling training, fire safety, infection control, arrangements should be made for the provision of same before they undertake any associated activities.</p>	<p>Work experience students must receive, at minimum, appropriate induction training.</p> <p>Work experience students must not undertake, or be required to undertake, any activity or duty that would require additional training e.g. operate machinery/equipment etc. irrespective of personal experiences outside of these programmes.</p>
H.	Use of DSA vehicles	<p>Work placement students/apprentices should not drive DSA vehicles. However, where the driving of DSA vehicles is fundamental to the completion of the placement programme, exceptions may be made by DSA management, e.g. the use of specialised DSA vehicles for the transport of services users. It is important to note that the DSA will be accepting additional risk by permitting work placement students/apprentices to drive DSA vehicles.</p> <p>Note: It is <b>not</b> advised that students/apprentices carry service users/clients unaccompanied.</p> <p>Please see <i>'State Indemnity and Driving for Work – Motor Guidance</i> for more information.</p>	<p>Work experience students <b>should not</b> be permitted to drive DSA vehicles.</p>
I.	Use of personal vehicles for DSA business	<p>Students/apprentices should only drive their own personal vehicle, where it is fundamental to the completion of the placement.</p> <p>Please see <i>'State Indemnity and Driving for Work – Motor Guidance</i> for more information.</p> <p>Note: It is <b>not</b> advised that students/apprentices carry service users/clients unaccompanied.</p>	<p>The SCA advise that work experience students <b>should not</b> be permitted to drive their own vehicles for, or on behalf of, the DSA (business use).</p>

**3- Clinical Indemnity Scheme (CIS)** – Covers personal injury risks and subsequent claims/liabilities arising from the negligent act or omission associated with the provision of, or failure to provide professional medical services on the part of a healthcare provider.