



**Norfolk** County Council



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## **Factsheet 5**

# **The Legal Responsibilities**

# 5. The Legal Responsibilities

Schools/colleges must\*:

- Check the employer has up-to-date Employers' Liability Insurance which covers students on work experience. **PLEASE NOTE: Public Liability insurance alone is not sufficient for employers hosting a work experience student.** Students on work experience are legally classed as employees for the duration of their placement, so ELI must be in place – see **ELI FAQs** factsheet
- Check that health and safety risk assessments are appropriate (and written if they have 5+ employees) – see **Health & Safety Checks** factsheet
- Check safeguarding procedures are in place, including named contacts – see **Safeguarding** factsheet
- Check whether DBS checks are required – see **DBS Checks** factsheet
- Check the employer is aware of who to contact in school if they are concerned about the student's welfare or protection at any point during the placement
- Ensure the employer is aware of the latest guidance on working with young people: [Young people at work: Work experience - HSE](#)

For the latest guidance, see links to the Health and Safety Executive's website:  
[Advice for work experience organisers - HSE](#)

**\* If you plan to contract with a third-party provider of work experience services, then all necessary health and safety checks will be conducted on your behalf. These will include verifying ELI, health and safety assessment, safeguarding and (if required) DBS checks.**

Working hours:

- Students should not work more than five days in any consecutive seven-day period.
- Total hours must not exceed 40 hours per week.
- Weekend work is permitted only with agreement from the student and parent/carer.
- Hours must not be excessively long or unsocial.

For further guidance on the Working Time Directive, please visit:  
[www.gov.uk/maximum-weekly-working-hours](http://www.gov.uk/maximum-weekly-working-hours)

## Pay:

- Students must **not** be paid for their work experience placement.
- Work experience is classified as an educational activity, not employment, and:
  - Payment may invalidate an employer's insurance, including Employers' Liability Insurance (ELI).
  - Payment may legally reclassify the student as a worker, changing safeguarding, working time, and health and safety obligations.
- While wages must not be offered, employers may provide the following optional contributions:
  - Travel expenses to and from the placement.
  - Meals or meal allowances during placement hours.
- These contributions must not be conditional on performance and must not constitute payment for labour.



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