

## INSURANCE FOR STUDENT PLACEMENTS

### Guidelines for placement organisers

The University has arranged Personal Accident insurance for students whilst engaged in University activity including on authorised placements.

This insurance provides lump sum payments in the event of catastrophic accidental injury; note that it does not provide any cover for sickness.

Details are at:

<http://www.bristol.ac.uk/secretary/insurance/information-for-students/#pai>

Apart from this, there is no other insurance in place that pays automatic compensation to students if they are injured, whether that injury occurs on the precinct, in their accommodation or on placement; students may however, depending upon the circumstances of any given accident, be able to bring a legal case. This is at their risk as regards cost so needs professional legal advice.

The legal situation can be complex but in summary:

There are 4 areas to consider, depending on whether the placement is in the UK or overseas and insurance needs to be considered from the various perspectives of what could go wrong and who can be adversely affected:

1. Injuries to the student during the course of work on placement

- a) Placements within the UK

Within the United Kingdom, the placement provider is responsible for the health and safety of the student whilst on placement as if the student were their employee<sup>1</sup>.

Most employers are required to hold Employers Liability (EL) insurance<sup>2</sup> and there is an agreement among the UK insurance industry that work experience persons will be regarded as employees by all UK insurers and covered by EL policies.

Placement Organisers at the University should require Placement Providers to hold Employer's Liability insurance.

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<sup>1</sup> Health and Safety (Training for Employment) Regulations 1990.

<sup>2</sup> Employer's Liability (Compulsory Insurance) Act 1968

In a reciprocal manner, school pupils undertaking work experience at the University are included in the University's Employer's Liability insurance.

Some employers are exempt from the compulsory insurance requirement. Notably these include government bodies and family operations. This particularly affects placements by the Vet School as some small farms are still run as family operations and may have no EL cover; equally some vets still operate as one-person businesses with a family member providing administration. To allow veterinary students still to be placed with such businesses, the University's EL insurance policy has been specifically extended to indemnify the farmer/vet where they have no EL cover of their own. This extension **only** applies as regards farmers or vets so other departments seeking to place students with one-person or family businesses should contact the Insurance Officer for advice.

Government departments may seek to contract out of their legal responsibility for the health and safety risk to placement students and transfer the risk (and the need for EL insurance) to the University. Another example from the Vet School, is the Veterinary Laboratories Agency in Northern Ireland (for abattoir visits) where the VLA insists that the University indemnify them for the EL risk to our students on placement. Our insurers can sometimes cover these placements on an individual basis **subject to prior notification**.

#### Important note

What this means is that a student injured in the course of work within the UK *may* be entitled to compensation if the injury is due to someone's negligence or breach of health and safety regulations. However, this is not automatic and depends on the circumstances of the accident. Also, students may have to bear their own legal costs.

The University does **not** arrange any Personal Accident type cover for students in the UK whether on placement or otherwise. Some students may have their own insurance and others may have limited protection under Personal Accident schemes provided by affiliation groups (e.g. The British Veterinary Association).

#### b) Placements overseas

When students are placed overseas the position becomes more complex. In France, for example, placement students are subject to a *convention de stage* agreement under which they are regarded as employees and may be covered by French social security arrangements. However, some non-French organisations providing placement opportunities in France may refuse to accept this responsibility and attempt to transfer the risk to the University. Our liability insurers may be able to cover these placements on an

individual basis **subject to prior notification and depending on the specific terms of the individual stage agreement.** Placement Organisers should seek information about the Placement Provider's insurance arrangements to cover injuries or sickness suffered by placement students attributable to their duties with the Provider (see Appendix 1).

Any queries should be referred to the University Insurance Officer with details of the placement.

In countries with little legal protection for workers or where Placement Providers refuse to take responsibility for accidents occurring during work activities, students may want to take out their own Personal Accident insurance, but the University cannot offer advice about this.<sup>3</sup>

A few countries may require EL type insurance (generally known as Workers' Compensation insurance) to be placed locally. A notable example is Australia but this is also the case in certain states of the USA (e.g. Colorado). This cannot be arranged by Bristol University, so unless the Placement Provider will arrange the necessary cover, the placement **cannot** go ahead.

## 2. Students' liability for injuries and/or property damage that they may cause

### a) UK placements

Within the UK, employers are normally responsible for the negligent acts of their employees, including students on placement, if such acts cause injury to others. This is known as vicarious liability. This liability will be covered by the Placement Provider's EL insurance – see 1 a) above.

Vicarious liability does not apply if the student acts in a wholly unpredictable and irresponsible manner – “on a frolic of their own” is the memorable legal term - in which case the individual student may be held personally liable.

In most circumstances, because the Provider is responsible for supervising the placement student during their duties, then there is no liability on the part of either the student or the University in the event of damage to the provider's property or that of any third party where the student is working under the supervision of the provider. As above, the exception is where the student is on a frolic of their own.

The University holds Public Liability (“third party”) insurance to indemnify the University in the remote eventuality that we are held legally liable for a student's actions (e.g. we tell a Placement Provider

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<sup>3</sup> We are not authorised to offer financial advice under the Financial Conduct Authority (FCA) rules

that a student has certain skills or training that in fact they do not have) and such actions cause injury or property damage. This insurance also indemnifies students – but only at our request and in circumstances where the University would have been responsible had the case been brought against it rather than the individual student.

#### b) Overseas placements

As the insurance situation is so variable overseas the University has arranged an extension to our Public Liability insurance to provide personal liability insurance cover for students during University-authorized overseas placements, including liability arising during the course of work.

However, again this will not indemnify students for the consequences of any deliberate malicious or irresponsible acts on their part.

Neither does it include professional risks (see below).

### 3. Travel and Health insurance

Students on overseas placements should be advised to take out appropriate and adequate medical expenses insurance, whether by way of Travel insurance or Healthcare coverage or both.

Travel insurance policies typically provide for:

- Emergency medical expenditure - an emergency in this context means anything that is unexpected (as opposed to regular treatment for an existing condition); it does not have to be a “blue light” serious or life-threatening event;
- Emergency repatriation costs;
- Loss of baggage/money;
- Cancellation costs;

However, the extent of the protection varies widely from one insurer to another and many policies contain small-print exclusions such as:

- Exclusion of cover if the insured person is working (this is evidently not appropriate for students on work placement);
- Life-style exclusions (claims arising whilst under the influence of drugs/alcohol);
- Activity exclusions (excluding claims arising from “dangerous” activities – the definition of “dangerous” varies but may include motor cycling as well as winter sports);
- Pregnancy exclusions (policies may not operate if the insured person is travelling out or back within, say, 3 months of the baby’s due date or, worse, may not cover the baby if it is premature).

Students travelling on overseas placements authorised by the University may take out insurance under the University's travel insurance scheme. The student needs to pay the premium. Some Schools have arranged for this to be purchased via the University's Online Shop. Placement Organisers must inform students that they should read the small print of any insurance policy since it is their (the student's) responsibility to make sure it is suitable for their needs.

Details of the University travel insurance arrangements can be found at:

<http://www.bristol.ac.uk/secretary/insurance/travel-insurance/>

Many Universities and other organisations in the USA providing longer term student placements are now required by federal law to make sure students from overseas have insurance in place that meets the requirements of The Patient Protection and Affordable Care Act (PPACA), sometimes referred to as Obamacare. No travel insurance policy can satisfy this requirement which includes precise stipulations around what must be insured (including preventative medicine and contraception). Prices vary from institution to institution but typically will not be less than \$500. This should not be regarded as an alternative to adequate travel insurance but as an additional local requirement.

Placement Organisers need to make sure they have details of the travel and health insurance arrangements made by individual students so that:

- The University is satisfied insurance is in place;
- The organiser is aware of the insurance arrangements in the event of an emergency overseas.

#### 4. Professional liability

Students training for a profession – primarily doctors, dentists and veterinary students – may be held legally liable for professional risks (this can be known as professional indemnity, clinical negligence, malpractice or errors and omissions insurance).

The position is slightly different for the 3 professions:

##### **Medical and dental students**

Students working within NHS hospitals in the UK are covered for professional risks under the Clinical Negligence Scheme for Trusts.

A GP practice's medical malpractice cover will cover students placed in GP practices in the UK.

If the placement is in a private hospital, hospice or nursing home, the Placement Organiser needs to ask the provider the following question:

*Will your insurance cover the liability of the student for injuries to third parties, including clinical errors, or property damage arising from their duties within your organisation?*

If the provider answers “No” to this question it is unlikely that the placement can go ahead. The Organiser should refer to the Insurance Officer for further advice.

Medical and dental students are encouraged to join the appropriate branch of the MDU or MPS. This provides them with free world wide medical/dental malpractice protection during most electives upon application to the MDU/MPS. Placement Providers need to check that students have cover for their electives before authorising any overseas placement. MDU/MPS may not be able to offer elective coverage in some countries due to local regulations (e.g. Australia).

It may still be possible to place students in Australia, but Organisers need to make sure that the local Placement Provider accepts responsibility for any professional errors or omissions or clinical injuries arising from the placement or the student buys locally valid cover..

### **Veterinary students**

There is no need for you to have veterinary practice liability insurance in the UK since any tests, treatment or surgical operations on animals by veterinary students must be under the direction and supervision of a registered veterinary surgeon. Any errors you make are the responsibility of the supervising veterinary surgeon and therefore a matter for his/her insurance.

Placement Providers overseas should be asked the following question:

*Will your insurance cover liability of the student for damage, including injury to any animal, arising from their duties within your organisation?*

Due to insurance requirements in Australia it is not possible for students to be placed there unless the provider answers “yes”.

Veterinary students placed in the USA *may* be able to purchase economical Veterinary Practice insurance by joining SAVMA. See:

<https://www.avma.org/Pages/home.aspx>

Other “No” answers should be referred to the Insurance Officer with full details of the placement as the University’s insurers may be prepared

to cover these placements on an individual basis **subject to prior notification.**