



Company practice in relation to taking on a work intern/work experience student

Like volunteers, interns or work experience students are entitled to be paid the NMW (national minimum wage) if they are in reality *workers*. However, individuals on work experience or internships are not be entitled to the NMW where they are: a student doing work experience for less than 1 year as part of a higher education course; of compulsory school age; on a government or European programme (such as for example the Erasmus programme) or work shadowing, which does not involve work being performed but is carried out without any statutory obligation to fulfil it.

- You can document the arrangement in a carefully drafted agreement. Whilst there is no legal obligation for this it helps manage all parties' expectations.
- Payments made may be construed as wages and if so the NMW will apply. Expenses payments made should be a genuine reimbursement of the students out of pocket expenses. Keep the receipts and records of money paid so that you can prove if needed that you have not been making payments above genuine expenses.
- Do not offer benefits or perks that could be seen as "consideration" (ie. a payment in kind.)
- Any training offered should be linked to the role that the person is carrying out, rather than an enticement to undertake an internship.
- Reduce obligations on the part of the volunteer allowing them to refuse tasks. Giving them the ability to choose when to work will make it clearer that there is no existence of any binding agreement or contract.
- Do not use language that makes the arrangement sound contractual by adopting flexible language, such as "usual" and "suggested". Although a label is not definitive, include a statement that they are not an employee or a worker.
- Be sure to treat work experience students & interns fairly.

There are a number of other employment issues and obligations to be aware of. The key ones to note are set out below:

- Background checks** – Where work experience students or interns will be working with children or vulnerable adults you are required to get a Disclosure and Barring Service (DBS)

check on employees. This is important as organisations can face criminal sanctions for knowingly engaging a barred individual.

- **Health and Safety** - Organisations have duties to protect the health and safety of employees, contractors and members of the public which could extend to interns. Volunteering England recommends that organisations include volunteers and interns in their health and safety policy as a matter of good practice and protect themselves and their interns against certain risks by taking out appropriate insurance.
- **Record Keeping** – It is recommended that you document the arrangement that you have made with intern and/or keep a record of any oral agreements in setting up the arrangements and any subsequent changes as well as any payments made for expenses.
- **Data Protection** – Organisations have the same data protection obligations towards interns as they have towards employees.
- **Intellectual Property** – Intellectual property rights created by non-employed individuals (such as volunteers and interns) will not automatically vest in the organisation.