

University Statement on Unpaid Student Placements and Internships

[For the purposes of this document, in Henley Business School the Programmes Areas will be fulfilling the functions of Schools.]

Scope of guidelines

1. The University encourages students to participate in activities that will enhance their learning and experience. The following guidelines have been written to outline the University's position on the promotion and endorsement of unpaid internships and placements.
2. Schools, Departments and Services considering the promotion of a unpaid internship or placement should use the guidelines below before formal promoting any opportunities.
3. Further guidance and clarification is available from the Careers, Experience and Placement Centre (careers@reading.ac.uk or 0118 378 8359).
4. This guidance is relevant to both "placements" and "internships", where "placements" are work experience opportunities that form part of the student's curriculum and "internships" are extra-curricular.
5. In employment law, there is no universal definition of an "intern" or "internship". When working with external providers wishing to advertise 'unpaid internships and placements' to University students, the University must first determine whether the internship should actually be considered as proper 'work', entitling the 'student intern' to certain rights. This includes pay in accordance with the National Minimum Wage (NMW) and time off/annual leave in accordance with the Working Time Regulations.
6. Whilst work placements linked to the curriculum are currently exempt from the NMW (National Minimum Wage) under HMRC guidance, this guideline should be relied upon with a high degree of caution and is unlikely to apply to internships that relate solely to 'employability'. In these cases, the employer / placement provider should demonstrate a requirement for the student to undertake the placement as part of their degree course and the student should be required to complete a piece of marked work as a consequence of their placement.

The University advertising an external opportunity

7. Where Schools, Departments or Services are considering promoting or offering an unpaid internship or placement to students, it is important to consider whether the students can be regarded as “workers” and should therefore be paid. The following factors should be considered ;
 - a. Would the student be working under a contract or a voluntary arrangement?
A contract may indicate that a student is a “worker”, whereas a document simply setting out expectations is more likely to suggest that the student is not. This will include statements regarding hours of work or requirements to undertake particular duties/tasks.
 - b. Would the student be simply work-shadowing or observing?
If so, the student is less likely to be a worker.
 - c. Is the student required to carry out work which would otherwise be undertaken by an employee/worker of the business (administrative duties for example)?
If so, the student is more likely to be a worker.
 - d. How long will the placement last?
The longer the placement, the more likely it will be that the student is a worker.
 - e. Would the student be paid a fixed rate for “expenses”, regardless of whether expenses are actually incurred?
If so, this could be interpreted a payment for the work, indicating the student is a worker and so should receive the NMW.
 - f. Would the student receive any other benefits that could be construed as wages, including training (other than that required to undertake the internship) or the promise of a permanent role on completion of the internship?
This may indicate worker status.
8. Where a student is expected to pay a fee before participating in an unpaid internship or placement, the opportunities should be approached with considerable caution. Schools, Departments and Services should ensure the legitimacy of the scheme and what the fee is for.

There has been an increase in ‘agency’ style schemes, both in the UK and overseas, which are designed to give students exposure to a ‘cultural’ experience as well as a placement or internship opportunity. These opportunities tend to be more costly and this element of the placement or internship should be made clear to students.

Student voluntary participation in unpaid internships or placements

9. Whilst the University reserves the right not to advertise or actively promote unpaid internships or placements in the interests of fair access to our students and ensuring the legality of the opportunities, we cannot, and would not wish to, prevent students who source their own opportunities from undertaking them as part of their embedded placement opportunity or as an extracurricular activity.
10. The University can only prevent a student from undertaking an unpaid placement that forms part of their programme as follows;
 - a. The learning objectives offered by the placement do not fulfil the expectations of the degree programme
 - b. The placement environment poses significant risk to the student’s health and safety
11. The University recognises that there are many legitimate ‘unpaid’ work experience opportunities offered to students which are highly instrumental in helping them to develop their employability skills.

These opportunities tend to be, but are not exclusive to the arts, cultural, heritage and environment sectors and help students gain access to highly competitive jobs by providing them with experience of that sector they would otherwise not obtain. If the relevant School, Department or Service has considered the factors above, and is confident that the unpaid status of the placement/internships is appropriate, the opportunities can be promoted directly to students and can make their own decision about applying.

12. In the interests of fair access for all students, the University should always approach unpaid experience with great caution. It will remain the University’s preference that students should undertake paid work experience.
13. Where a provider’s work experience is unpaid, the provider should give an explanation as to why the role is unpaid. The University should then assure themselves that the work is suitable to be an unpaid position.

Overseas Students and Immigration Control

14. Internships and placements (and volunteering) are classed as work. The Immigration Rules on working in the UK require a person to hold a valid visa or permit that permits him or her to work.

15. A student who holds a Tier 4 visa may undertake an internship or placement where the internship or placement is not during term time and the student continues to have a valid Tier 4 visa to remain in the UK for the duration of the internship or placement. Holders of any type of visitors' visa are not permitted to undertake any form of work, placement or internship in the UK and must apply for the relevant permit before undertaking such work or internship.

Students can be directed to the University's Immigration Advice Service at immigration@reading.ac.uk or via telephone on 01183785555 for free and confidential advice on eligibility to work in the UK.