



# Internships, work experience and volunteering: guidance note

MPLS General Purposes Committee

Version 1.2

Valid from Michaelmas Term 2019

## Contents

1. [Purpose](#)
2. [Definitions: Legal status](#)
3. [Internal students undertaking internships with external organisations: Legal and tax status](#)
4. [Internal and external students undertaking internships with the University of Oxford: Legal and tax status](#)
5. [Further considerations for hosting interns / work experience students](#)
6. [Public Liability](#)
7. [Compliance](#)

## Version history

1.0	TT19	Original publication for consultation	Consultation with GPC, Board, GSC, EdC and HAFs
1.1	MT19	Clarifications made – minor changes	<p>Clarification made as to the legal status of University of Oxford undergraduate (internal) students seeking and undertaking research experience at the University of Oxford, where it is not a required part of their course. These students are classified as interns and must therefore be paid, at a minimum, in line with the national living wage (see section 4).</p> <p>A new section 7 on compliance has been added to provide internal assurances that this guidance and departmental practices are reviewed annually to capture any changes in legal and tax rules and ensure our continued compliance.</p> <p>Changes noted and approved at GPC</p>
1.2	MT19	Minor change	Intern payment requirements of national living wage changed to Oxford living wage following its introduction at the University

## 1. Purpose

1. The purpose of this guidance is to ensure that:

- the differences between internships, work experience and volunteering opportunities are clear (Legal Status);
- that MPLS and its Departments adhere to HMRC rules and the University's Oxford Living Wage policy (Tax Status);
- internship, work experience placement and volunteering opportunities are managed appropriately and in line with best practice.

2. The guidance should be applied to [University of Oxford students undertaking internships with external organisations](#) as well as to [external students undertaking internships with University of Oxford](#). The guidance on legal status applies regardless of a student's funding status.

## 2. Definitions: Legal status

Type of Arrangement	Definition	Payments
Internship*	<p>An internship should be for the education and / or career development of the intern and must meet the following requirements:</p> <ul style="list-style-type: none"> <li>• Interns should be offered meaningful work that will benefit them and the Department by undertaking specific work-related tasks.</li> </ul> <p>Internships must not be used to cover substantive work. For example, if the role would otherwise be covered by an employee the post should be recruited to in line with the University of Oxford's Recruitment and Selection guidance.</p>	<p>Interns must be paid. At a minimum, this will be in line with the Oxford Living wage**, reviewed annually.</p> <p>Payment will be via casual payroll and subject to tax and NICs.</p> <p>Annual leave will be accrued on a month on month basis.</p> <p>Entitled to statutory sick and other pay</p>
Work Experience	<p>Work experience is defined for:</p> <ul style="list-style-type: none"> <li>• Students working as a required part of a UK-based further or higher education course if the placement doesn't exceed 1 year</li> <li>• Students who are of compulsory school age. (School is no longer compulsory from the last Friday in June following their 16th birthday)</li> <li>• A placement that does not involve any work being performed but where opportunity is given to develop understanding and knowledge, such as</li> </ul>	<p>You may agree to pay reasonable receipted travel or other 'out of pocket' expenses.</p> <p>You must not make any other payments, promise any future paid work or give any other benefits in kind.</p>

	through work shadowing where someone only observes, or learning work methods and skills related to their course of study under supervision or carrying out controlled tasks with clear learning / development objectives	
Volunteer	<p>Voluntary work applies if the host is a charity, voluntary organisation, an associated fund-raising body or a statutory body.</p> <p>Occasionally people volunteer to do unpaid work, which may be for a variety of reasons. They:</p> <ul style="list-style-type: none"> <li>• Will have an arrangement which does not entitle them to a financial reward or benefit in kind for work they perform under the arrangement</li> <li>• Do not have to turn up for work if they don't want to (even if you expect them to or they generally work to a regular pattern)</li> <li>• Cannot be dismissed, sued for breach of contract nor have payment or reward withheld if they fail to do the work or perform the services they were providing.</li> </ul> <p>NB: If a volunteering opportunity is advertised it should not be described as an internship</p>	<p>You may agree to pay reasonable receipted travel or other 'out of pocket' expenses.</p> <p>You must not make any other payments, promise any future paid work or give any other benefits in kind.</p>

\* University policy on internships: [http://www.admin.ox.ac.uk/personnel/recruit/non\\_empl/intern/](http://www.admin.ox.ac.uk/personnel/recruit/non_empl/intern/)

\*\* University Living Wage policy: <http://www.admin.ox.ac.uk/personnel/reward/paystructure/living%20wage/>

### 3. Internal students undertaking internships with external organisations: Legal and tax status

3. Examples include:

- Oxford's Summer Internship Programme run by the Careers Service;
- Any organised internships with external organisations.

4. It is the responsibility of the external host organisation to decide on the legal status of the student undertaking an internship i.e. whether they are an employee, undertaking work experience or a volunteer.

5. The tax status of any payments made by an external organisation to an intern is not a matter for the University. Therefore, the University must not advise the external organisation on whether the internship can be unpaid. It is for the external organisation to assess what, if anything, it needs to pay the student and to account for tax and NICs in respect of any payments it makes.

6. If the student is undertaking work for the external organisation whilst doing the internship they will be entitled to be paid at least the national minimum wage by the external organisation in the UK unless the voluntary worker status can be applied or the student is undertaking work experience as a required part of their higher education course.

7. Where a DPhil student is receiving a stipend to cover their maintenance, the University may wish to continue to pay the stipend whilst they undertake the internship, e.g. where the internship is unpaid and/or the student is required to live away and will not receive travel or living allowance expenses. Alternative stipend funds e.g. via philanthropic awards or through the National Productivity Innovation Fund to cover the period of the internship can be a supportive mechanism to help students take up an internship opportunity. Where the stipend is funded by an external funder, the terms and conditions of the funding grant should always be considered before a decision is made on whether a stipend should continue to be paid during the internship.

8. It is arguable that stipend payments made by the University to the student do not amount to taxable income, given they are not payments made in respect of the employment of the student by the University. If, however, they were taxable they may benefit from the exemption for scholarship income (section 776 of the Income Tax (Trading and Other Income) Act 2005) whereby the student must remain in full-time education with the University whilst undertaking the internship and the stipend payments to the student by the University must not exceed £15,480 per year.

## 4. Internal and external students undertaking internships with the University of Oxford: Legal and tax status

9. Examples include:

- UKRI Vacation undergraduate schemes;
  - EPSRC Vacation Bursary scheme;
  - NERC Summer Research Experience scheme;
  - BBSRC Research Experience scheme;
- MPLS Departmental schemes or research experience opportunities.

10. The host department / faculty is responsible, on behalf of the University of Oxford, for classifying the legal status of their interns. They are responsible for managing their scheme(s) appropriately and for making all arrangements prior to, during, and following an internship / work experience and for ensuring that University policy and procedures are followed, which includes whether the student needs to be paid.

11. Typically, students will be undertaking work unless the voluntary worker status can be applied or the student is undertaking work experience as a required part of their further / higher education course. Legally they need to receive at least national minimum wage, paid via casual payroll so they can be taxed at source. Employment-related costs (NICs, holiday) must be covered. However, as a Living Wage Employer, the University's policy is to pay the Oxford living wage to all students undertaking internships rather than the national minimum wage.

## 5. Further considerations for hosting interns / work experience students

12. As a host you will need to consider:

- The time and resources that can be devoted to the work experience;
- The financial implications and the resources required to manage casual payroll requirements;
- Suitable tasks and duties;
- Health, safety, and welfare implications i.e. conducting a risk assessment prior to an internship / work experience placement;
- The time it will take students to learn and understand the task(s) involved;
- The timing of the internship / placement and the disruption that it is likely to cause to the workplace routine and time critical tasks - due to this consideration, some departments may only be able to facilitate work placements during specific periods e.g. summer vacation;
- Location of placement - the student should not have access to highly confidential / sensitive or otherwise inappropriate material in accordance with GDPR;
- Staff who work with a person under 18 as part of a work placement or otherwise must comply with the safeguarding code of practice <http://www.admin.ox.ac.uk/personnel/cops/safeguarding/safeguardingcop/>, regardless of whether they require a DBS check;
- Right-to-work check, if the student is aged 16 or over.

## 6. Public Liability

13. The University of Oxford's public liability insurance policy covers those conducting internships or voluntary work (including unpaid work experience). If the individual is registered as a visitor, they will automatically be covered by the University of Oxford's insurance. If they are not registered, the host department must forward the name, duration of the work and brief description of the duties to the Insurance team, Finance Division [insurance@admin.ox.ac.uk](mailto:insurance@admin.ox.ac.uk)

## 7. Compliance

Assurance is required that internal MPLS Departmental schemes are acting with the correct legal and tax status. The guidance will be reviewed, and reminders issued, annually by the Divisional Office to enable departments to monitor and check their legal and tax compliance.