

ITT Placements Responsibilities, Risks and Next Steps



Why this matters

- Placements are an essential component for the award of QTS
- Increasing number of queries coming to NASBTT about responsibility of the provider to provide placements
- Clear impact on recruitment
- OIA and CMA guidance **indicate** that providers carry responsibility

Caveats

- The NASBTT team are not legal experts – all information shared is based on our best understanding of the situation following extensive communication with the OIA
- No published case study which **directly** tests this scenario – based on indicative communications from the OIA and their **expectation** of how a case would be **likely** be viewed.
 - All matters reviewed on case-by-case basis

OIA Perspective

- Placement is integral to course completion
- Provider responsible for securing suitable placements
- If placements break down → duty to mitigate
- Complaints **may** lead to compensation

CMA Consumer Law

- **Material information:** must be clear about placement process and constraints
- **Surprising terms:** risk of unfair contract clauses
- **Limiting liability:** exclusions rarely enforceable

Potential Risks

- “Subject to placement availability” clauses
- Asking trainees to secure placements themselves
- Not explaining consequences of breakdowns (funding, bursaries, delays)
- Inconsistent messaging across prospectus/website/contracts

Actions to Take

- Review contracts, prospectuses, marketing
- Avoid clauses shifting risk to trainees
- Develop clear contingency plans for placement breakdowns
- Communicate transparently with trainees

Reflections and Discussions

- How do you mitigate your risk during recruitment to ensure sufficient placements are available?
- How do you currently explain placement responsibilities to prospective trainees?
- Could your contracts be seen as limiting responsibility?
- What's your process when placements break down?