NEGOTIATING APPRENTICESHIP SCHEMES IN YOUR WORKPLACE

Introduction
This guide provides advice on how to negotiate a new apprenticeship scheme in your workplace or improve an existing one. It will cover UNISON’s policy on apprenticeships, current legislation covering apprentice pay, what to include in a good apprenticeship scheme, how to make apprenticeships accessible to the widest demographic: equality and diversity, how to use apprenticeships to boost branch recruitment.

What is an apprenticeship?
Apprenticeships are nationally recognised training programmes that give people the chance to earn as they learn. They are open to people of all ages and have specific benefits to people entering work for the first time, those returning to work after an extended break and those changing career. There are specific employer incentives for hiring someone aged 16-24.

Since 2010 there has been a resurgence in apprenticeship schemes in the private and public sectors, with many more apprenticeship places being offered at different levels. One of the main motivations for this increase was that the conservative-led government was using apprenticeship schemes as a way of tackling mass youth unemployment. This trend is set to continue with a commitment to create three million new apprenticeship places in the next five years.

It is essential that UNISON branches are fully involved in the planning and implementation of these schemes in order to ensure that apprentices receive high quality training, fair pay and good conditions. Branches should also think about how to recruit apprentices into the union and involve them in the life of the branch.

UNISON’s policy on apprenticeships
UNISON has a strong interest in apprenticeships for young workers as a means of earning whilst learning a vocation. But they must:

- be properly negotiated;
- pay apprentices the rate for the job (and at least the Living Wage as a minimum);
- provide high quality training on the job;
- uphold working time and health and safety regulations;
- ensure apprentices are entitled to the same terms and conditions as other employees, such as sick leave and holiday entitlement;
• where possible guarantee future employment;

• not be used in an exploitative way for cheap labour by plugging the gaps of full-time staff that have been made redundant;

• accessible to the widest demographic – unions have a crucial role in challenging and combating discrimination against young people from black and minority ethnic (BME) communities, (not all apprentices are young) people with disabilities and other disadvantaged groups.

What should be in an apprenticeship scheme?

Current legislation covering apprentices: pay rates

Apprentice pay in England, Scotland, Wales and Northern Ireland is covered under the Apprenticeship, Skills, Children and Learning Act 2009. The National Minimum Wage for apprentices stood at £3.30 an hour. This rate applies to apprentices under 19 or those in the first year of apprenticeship who are 19 or over; all other apprentices are entitled to the national minimum wage for their age.

Rate for the job

Lower pay rates for apprentices are usually justified on the basis that they are receiving valuable training that will lead to higher pay in the medium and longer term. This ignores the fact that many apprentices are doing full jobs now. Apprentices hold “employed” status and carry out duties and responsibilities comparable to any other employee.

The National Union of Students (NUS) and UNISON apprentice surveys have shown that the rate of pay an apprentice earns is fundamentally important to them, along with the need for high quality training and greater job security. These have also been proven to be key factors in whether an employee completes their apprenticeship or not, so should be of interest and importance to the employer. A 2014 report by the Department for Business, Innovation and Skills highlighted that nearly a quarter (24 per cent) of 16-18 year olds are earning less than the national minimum wage and 15 per cent of apprentices were paid below the apprentice national minimum wage. The mean hourly rate among non-compliant apprentices was £2.30 per hour.

Negotiating points: pay

Branches should try to negotiate the Living Wage (currently £8.25 per hour outside of London and £9.40 per hour in London) for apprentices based on the full rate for the job. Apprentices should also be entitled to the same terms and conditions, such as sick leave and holiday entitlement, as their colleagues. Try to ensure that any savings made by employing apprentices, is fed back into the training regime – not used to subsidise shortfalls elsewhere.

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1 Department for Business, Innovation and Skills (2014) Apprenticeship Pay Survey
While it is not always possible to get the Living Wage for apprentices from day one, some branches have negotiated pay in line with the National Minimum Wage— for example Guy’s and St Thomas’s NHS Foundation Trust has an award winning apprenticeship scheme where they directly employ apprentices (rather than go through a training agency), they offer lots of support from management and as they pay a blanket apprentice salary of £7.87/hr all are paid above the highest bracket of the National Minimum Wage.

**Health Branches:**

Broadly the arrangements as they are set out in Annex U are not suitable for apprentices on 12 month contracts on bands 1 & 2 of Agenda for Change.

Section 4 of Annex U in the NHS Terms and Conditions handbook states that the starting pay for any trainee must be no less than the rate of the main (adult) rate of the National Minimum Wage.

Where the calculation above results in the National Minimum Wage being payable for year two and beyond an additional payment should be made on top of the minimum wage. The addition should be equal to the cash value difference between the percentages of max pay in the year of payment and the previous year.

Apprentices should also have the opportunity of joining the NHS pension scheme if they are not already part of it and this should be stated in the negotiated apprenticeship policy.

**Cost of living**

Using the Minimum income standard by the Joseph Rowntree Foundation shows that even a single person with no dependants living in council housing needs at least £17,102 a year (Feb 2016) before tax to afford a basic, but acceptable standard of living.

As the cost of living rises, it will become increasingly difficult for young workers to manage on a below-minimum wage rate. Nor will the families of apprentices be able to supplement the training rate paid to their children. Low income families where young people are most in need of a route into employment, are likely to be the least able to subsidise their children’s apprenticeship. Those determined to complete apprenticeships will suffer real hardship in terms of their ability to sustain adequate health, housing and social integration. Others will be forced to choose higher paying jobs that lack a structured training element, leading to low take up of apprenticeships and poor completion rates.

At the moment a quarter of all apprentices do not complete their full programme. This is a serious loss of investment for employers. It is clear that pay directly affects completion rates, which improved nationally from 24% in 2001/2 to 63% when the recommended minimum rate rose to £80 in 2005.

**High quality training**

Apprentices should benefit from nationally recognised National Vocational Qualifications, provided and supervised by a reputable learning provider.

The Specification of Apprenticeship Standards for England (SASE) sets out the minimum requirements to be included in a recognised English framework. Compliance with SASE is a statutory requirement of the Apprenticeships, Skills, Children and Learning (ASCL) Act.
To check out the quality of the college / training provider, find their latest OFSTED rating. This is possible to do almost instantaneously via a Google search. While most apprenticeships offer a good programme, UNISON members have reported problems with poor quality training, lack of supervision and failure to provide a clear learning plan. A UNISON survey of apprentices in local government (Dec 2014) highlighted that:

- apprentices felt they needed more support from their mentor;
- there was a lack of opportunities for apprentices, once they have completed their qualification;
- over 90 per cent of apprentices were working over 35 hours a week;
- over three quarters of apprentices surveyed were paid the national minimum wage for apprentices;
- a quarter of those apprentices surveyed were asked to cover work outside the terms of their apprenticeship agreement.

**Negotiating points: training**

Branches should ensure that their scheme has:

- Clear arrangements with one or more colleges / training providers that offer the required qualifications.
- That each apprentice receives a contract of employment / learning agreement from their employer and college.
- For England the inclusion of reference to the *Specification of Apprenticeship Standards for England (SASE)* and a commitment to providing access to the document for anyone who wants a copy.
- A compulsory induction for all apprentices and an employment rights and responsibilities (ERR) module. Unions should be covered as part of this module.
- Outreach programmes for recruiting candidates as widely as possible, including short pre-apprenticeship work placements, where possible.
- Good internal procedures for recruitment, selection and placement of apprentices in appropriate posts, ensuring that the process meets equality guidelines.
- Well thought-out arrangements for supervision and monitoring of apprentices. Each apprentice should have a mentor and a line manager that keeps track of their progress, oversees their work and helps them with their learning. Staff taking on these duties should be entitled to additional training, pay and time off in recognition of their additional responsibilities.
- Provision for apprentices to have study time, either at college or away from work to complete their NVQ work and access to the same staff development courses as other employees.
- Opportunities for all apprentices working for the employer to meet together for induction at the beginning of their course and for networking and support from time to time during their apprenticeship.
• Support systems for apprentices from disadvantaged groups such as young people leaving care, ex-offenders or those with disabilities.

• A guaranteed job, wherever possible, for those successfully completing their apprenticeships and a clear, transparent procedure for placing apprentices in permanent jobs.

**Apprenticeships should be accessible to the widest demographic: equality and diversity**

Apprenticeships should be accessible to the widest demographic. Unions play a crucial role in challenging discrimination against people from black and minority ethnic (BME) communities, people with disabilities and other members of disadvantaged groups. Branches should:

• support employers encourage applications from under-represented groups (e.g. by adopting recruitment strategies to reach the widest audience);

• review the recruitment selection process and criteria to ensure it does not discourage or exclude under-represented groups;

• encourage managers and recruitment staff to take part in equality and diversity training.

• in the NHS, highlight the fact that apprenticeships directly answer two key current initiatives: **Widening Participation** & **Talent for Care**

**Apprentices – a recruitment opportunity**

Young members are one of the fastest growing sectors of the UNISON membership, but there is still much more we can do to attract young workers. The growth of apprenticeships, forecast to grow by another 3 million apprenticeship places by 2020, offers branches an excellent opportunity to recruit young workers and potential activists. While specific plans for recruitment will depend on the type of employer and number of apprentices, there are a number of ideas branches can try:

• Ensure that the branch is allowed to attend induction sessions for apprentices and that new starters are informed of their right to join a union. Apprentices can join UNISON for a special fee of £10 a year and also gives them the opportunity to apply to attend UNISON’s young members’ weekend. The weekend offers them a chance to discuss key issues, gain industrial expertise and socialise with people roughly the same age.

• As young, vulnerable workers apprentices will be in need of support and representation even in the best apprenticeship scheme. You might want to assign a specific steward to be their contact point with the branch. As new recruits, apprentices will also appreciate being included in the social life of the branch.

• Health and safety reps should ensure that a risk assessment is done of apprenticeship posts, and you might want to involve Union Learning Reps in developing a programme for apprentices.

• Good apprenticeships schemes should have outreach schemes designed to recruit candidates from the local community. The branch could use that process to develop closer relationships with local schools, community organisations and youth.
programmes. If possible, make contact with young people coming in on pre-apprenticeship work placements.

- UNISON’s leaflet Young Workers: Your Wages, Your Rights is available from the online catalogue by clicking here. Many citizenship teachers, youth workers and voluntary organisations have indicated that they would value UNISON’s expertise. Branches can use the leaflet as a basis for workshops or surgeries designed to offer basic education on employment rights and the role of trade unions for young people.

- Apprentices may have other family members who are potential UNISON members. People are often attracted to apply for apprenticeships in a public service organisation where they already have contacts. Family members will appreciate the help UNISON offers to their young relations. The branch might want to offer a social/information session for apprentices and their family.

- Overall, the aim is to be creative in how you use apprenticeships to build the branch, bearing in mind that the large numbers of apprentices entering the public service workforce over the next few years will become the core membership of the near future.

**Examples of best practise:**

At Northumbria University and South Devon Healthcare NHS Foundation Trust apprentices are encouraged to join trade unions. UNISON Branch reps are invited to all HR inductions where it is reiterated that apprentices have the same rights as other employees – this includes the right to join a trade union and take part in its activities. When is not possible for the branch to attend inductions, HR supply appropriate information to staff and details of specific trade unions and application forms.

Both branches have negotiated local apprenticeship policies which sets out roles and responsibilities between all parties involved in the apprenticeship and each branch works closely with apprentices within the workplace.
APPENDIX 1

Model apprenticeship agreement

1. Overview

Apprenticeships are nationally recognised training programmes that gives people the chance to earn as they learn. They are open to people of all ages and have specific benefits to people entering work for the first time, those returning to work after an extended break and those changing career. There are specific employer incentives for hiring someone aged 16-24. The speed at which the person will achieve their Apprenticeship depends upon both their ability and the employer’s requirements. Usually, an Apprenticeship will last between one and three years but it must be no less than one year to be recognised as an official apprenticeship.

All people in the [authority, local area or those currently working for the employer] are entitled to apply for the apprenticeship programme. Applicants who qualify for the scheme will be placed in an appropriate vacancy. Once a work placement has been found for the person, the Apprentice, employer and learning provider will agree a learning plan. Funding is available for the full cost of Apprenticeship training for most employees aged 16 – 18. Some funding is available for employees aged over 19. Over 130,000 employers are training apprentices in the UK at any one time.

The Apprentice must show dedication and a professional attitude. The Apprentice will be expected to keep to normal working hours with the [organisation] to earn a wage. The Apprentice will be expected to spend time with a learning provider and to study for a technical certificate. The Apprentice will need commitment.

The Apprentice will benefit from a nationally recognised qualification that could potentially enable them to progress to a foundation Degree or Higher National Certificate/ Diploma. The Apprenticeship will encompass a NVQ, Technical Knowledge Certificate and Functional Skills. Apprenticeships come at two levels: Apprenticeship – Intermediate Level, Apprenticeship – Advanced Level (all part of the QCF framework).

The Specification of Apprenticeship Standards for England (SASE) sets out the minimum requirements to be included in a recognised English framework. Compliance with the SASE is a statutory requirement of the Apprenticeships, Skills, Children and Learning (ASCL) Act. http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/11-521-specification-apprenticeship-standards-england

Apprenticeships are available in almost every area of employment, from administration and accountancy to health and social care.

2. Benefits

Benefits an Apprentice can bring to the [organisation] are as follows:

- The [organisation] will produce a programme of succession planning from within the organisation – thus retaining valuable knowledge and experience.
- Apprenticeships bring new skills to the [organisation]
- Recruitment of apprentices will develop valuable links between the [organisation] and local schools, community and voluntary sector organisations.
- Apprenticeships provide in-house training, with a learning plan designed for the [organisation] by the [organisation].
- Apprenticeships improve productivity by developing better trained staff, making the [organisation] more competitive and improving standards of [care, service provision].
- Apprenticeships are well structured and require commitment from an Apprentice. An Apprentice is therefore more likely to be a committed member of the [organisation]
- Well-implemented apprenticeship schemes address inequalities in the [organisation]’s age profile
- Well-implemented apprenticeship schemes address inequalities in the other areas of [organisation]’s profile (e.g. gender, ethnicity, disability etc.)
- Better staff training results in higher motivation
- Apprenticeships help the [organisation] to meet to requirement of Mindful employer, Investors in People, Positive About Young People, Single Equality Scheme and equality legislation. Short-term benefits relate to better customer service and widening the internal talent pool for management recruitment. Long-term benefits are linked to reduced labour turnover, lower absenteeism figures and higher employee satisfaction.
- Having an apprentice in the team can positively change the dynamic of a team and/or workplace by bringing in fresh eyes and ideas.

3. Eligibility

All staff are eligible to enrol on an Apprenticeship whether they are new recruits or existing staff wanting to develop within their current role or embark on a new career. All efforts should be made to ensure that both men and women are encouraged to enter apprenticeships in the full range of possible occupations.

4. Cost

The training provider will only receive financial assistance from the Skills Funding Agency (SFA) for the cost of an apprentice’s training. In most organisations, apprentices are employed and paid a salary that reflects their skills, experience and ability.

The apprentice will be paid for the time they attend training as part of their apprenticeship framework, including training during and outside of normal working hours.

The apprentice is also entitled to join the organisations pension scheme; the organisation is authorised to deduct any sums due to it from your salary.

5. Terms and Conditions

The [organisation] is keen to ensure that apprentices receive fair pay, terms and conditions during their period of training, and not just the statutory minimum.

All apprentices therefore, will be appointed onto [the employer’s negotiated] terms and conditions of employment. This will include benefits such as [nationally/locally agreed] days annual leave and 8 bank holidays, occupational sickness pay, time off for family emergencies, etc. It is hoped that such benefits will attract the best candidates to the [organisation].
Apprentices will be provided with mentors and line managers who will be responsible for keeping track of their progress, overseeing their work and helping them with their learning. Staff taking on these duties will be entitled to additional training, pay and time off in recognition of their additional responsibilities.

A full risk assessment will be done of the posts assigned to apprentices.

Apprentices will be entitled to have study time, either at college or away from work to complete their NVQ work.

Opportunities will be provided for all apprentices working for the [employer] to meet together for induction at the beginning of their course and for networking and support from time to time during their apprenticeship.

The [organisation] will ensure that they provide additional support systems for apprentices from disadvantaged groups such as young people leaving care, ex-offenders, those with disabilities or mental health difficulties etc.

Apprentices will be appointed into [-] year fixed-term contracts on the basis that it will take up to [-] years to achieve their NVQ and become competent in their role. Thereafter, subject to satisfactory assessment, apprentices will be appointed into the substantive post and receive the appropriate pay rate.

In terms of salary, the [organisation] will pay an apprentice a salary based on the bottom point of the grade appropriate to the job being performed, pro-rata to the number of hours worked. [see Negotiating points pay above for alternative pay formulas.]

Where towards the end of the [-] year fixed-term contract, a substantive post is no longer available for an apprentice to slot into, e.g., due to organisational change etc., but the apprentice is deemed competent, the [organisation] will place the trainee ‘at risk’ and make every effort to redeploy the individual before their contract is expires.

In the event of pregnancy, the apprentice will be entitled to maternity leave and once she has returned to work, will have her contract extended to enable her to complete her apprenticeship.

5. Addressing Skills Shortages

The [organisation] will be facing a skills shortage in the future, by opening up apprenticeships to under-represented groups we can help to close their skills gaps.

Promoting diversity in Apprenticeships will also contribute to creating a range of skills necessary for successful business. Drawing apprentices from a wider recruitment pool will allow us greater access to skills such as communications, customer-handling, team-working, and problem-solving.
6. **Apprenticeship Scheme Recruitment Stages**

When a vacancy becomes available within the [organisation], the appointing managers will review the job roles and consider the post for the Apprenticeship Placement before advertising the post. The stages shown overleaf will be followed:
**Apprenticeship Scheme Recruitment Stages**

1. **Vacancy**
   - All adverts, job spec and job description will be equality screened.

2. **Complete Paperwork**
   - All adverts will be posted on website, Jobcentre, Connexions, and by informing service users, local press, schools, youth services, community and voluntary organisations.

3. **Advertise**
   - If apprentices meet the minimum criteria on the job spec they must be interviewed.

4. **Shortlist**
   - If appointed must be on [organisation’s] terms and conditions.

5. **Interview**
   - Apprenticeships are reviewed 12 weeks with the Manager, Training Provider & Apprentices.

6. **Appoint or Not**
   - Ongoing support will be given to the Apprentices by the training provider, [organisation’s] supervision and appraisal mechanisms.

7. **Ongoing Support**