

# Agenda for fairness and quality

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A NEGOTIATORS' GUIDE TO  
APPRENTICESHIPS IN THE NHS

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# **NEGOTIATORS' GUIDE TO APPRENTICESHIPS IN THE NHS – AGENDA FOR FAIRNESS AND QUALITY**

## **Introduction and context**

There has been a rapid growth in the number of apprentices working in the NHS over the last five years. This reflects a drive across all four UK administrations to increase the number of apprenticeships in the economy as a whole, including the Westminster government's 2015 manifesto commitment to creating three million apprenticeships by 2020. The Scottish and Welsh governments have each committed to around 30,000 starts a year. In Northern Ireland there is a commitment to apprenticeships that last at least two years whereas in other countries they may only be 12 months long.

### **Apprenticeship levy**

The apprenticeship levy will impact on all employers with an annual paybill of more than £3m from April 2017. Outside primary care this means most NHS employers will have to pay 0.5% of their paybill into the levy. This is calculated at individual employer level, but added together across England it amounts to £200m from 365 NHS organisations.

In England employers will be credited with digital vouchers to the value of their levy contribution plus a 10% top-up. These can be spent with registered training providers of training and assessment of apprentices. Levy vouchers cannot be spent on apprentices' salaries.

This will replace the current system in England where employers receive funding via the Skills Funding Agency and Local Education and Training Boards (LETBs) for apprentices they take on. So in effect, there is a funding cut as apprenticeships will now have to be paid for through the levy.

It was not clear at the time of writing how the levy money will be distributed in Scotland, Wales or Northern Ireland

### **Statutory targets – England**

In addition to implementing the levy, the government plans to introduce statutory targets in England for public sector employers for the number of apprenticeship starts they must deliver each year. Again these will be set at organisational level: 2.3% of headcount for all employers with 250+ employees. Across the NHS in England the targets will add up to about 28,000 new apprenticeship starts a year. For comparison, Health Education England reports that there were nearly 20,000 starts in 2015/16.

The problem with a crude target for starts each year is that it encourages employers to focus on short apprenticeships of no more than 12 months, to be replaced by a new batch each year. Not being able to count longer, higher value apprenticeships towards hitting targets in second and subsequent years, will deter employers from investing in them.

### **Range of apprenticeships in the NHS**

The primary focus of apprenticeship development in the NHS has been in Bands 1-3 with some provision for Band 4 roles. Currently, the majority of apprenticeships in the NHS are delivering at educational level 2 – equivalent to GCSE A-Cs.

There are apprenticeships for occupations specific to healthcare, and more apprenticeships for occupations that occur across the economy including in the NHS. There are few available apprenticeships at higher or degree level, particularly in clinical roles. A nursing one is being developed in England and there is talk of looking at the allied health professions next. It is far from certain whether there will be an appetite from NHS employers to invest significantly in putting people through degree-level apprenticeships in the NHS, even if more do become available. This reflects in part the short-term one-year target cycle for starts in England, and also the uncertainty over the effects of the removal of the student bursary.

### **Low pay**

UNISON's report, *You're hired! A UNISON report on apprenticeships in the NHS*<sup>1</sup> used Freedom of Information data to demonstrate that there is a free-for-all on apprentice pay rates, mostly outside of the Agenda for Change agreement. This is creating a two-tier workforce that will only worsen as the number of apprentices in the service continues to grow.

There is widespread use of the statutory minimum wage for apprentices (£3.30 an hour in 2015/16 rising to £3.40 from 1 October 2016) as well as a range of interpretations of Annex U of Agenda for Change (AfC), and a number of ad hoc approaches that have sprung up at employer level, such as a £100 a week flat rate for all apprentices.

In Scotland, however it has been agreed that all modern apprentices will be paid at least the Living Wage, and Annex U has been amended to reflect this.<sup>2</sup>

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<sup>1</sup> [https://www.unison.org.uk/content/uploads/2016/06/NHS-Apprenticeships-UNISON-Fol\\_report\\_final.pdf](https://www.unison.org.uk/content/uploads/2016/06/NHS-Apprenticeships-UNISON-Fol_report_final.pdf)

<sup>2</sup> [http://www.sehd.scot.nhs.uk/pcs/PCS2016\(AFC\)04.pdf](http://www.sehd.scot.nhs.uk/pcs/PCS2016(AFC)04.pdf)

# 1)Using this guide

Decent employment and prospects for apprentices should be a core feature of your local industrial relations set-up. Allowing employers to establish a two-tier workforce with apprentices on inferior pay and conditions will ultimately undermine the whole AfC agreement.

This guide sets out to give health branches some practical guidance on

- getting apprenticeships on the agenda for partnership working
- negotiating pay and conditions for apprentices
- ensuring that apprenticeships are good quality
- recruiting and organising apprentices

**If you find your employer refusing to engage with you on this agenda – or imposing pay and conditions arrangements for apprentices without agreement – you should seek assistance from your regional organiser and invoke your local dispute procedures as appropriate. Please also alert the Health group on [health@unison.co.uk](mailto:health@unison.co.uk)**

## 2)Fact-finding

As many employers have failed to consult with their trade unions around the development of apprenticeships up to now, your first priority may be to familiarise yourself with what the employer is doing and in any case you will want to check what it plans to do in the future.

### Key questions:

- How much will your employer have to pay into the apprenticeship levy from April 2017?
- What are the implications of this for other budget areas, especially training and development?
- How many apprentices does your employer currently have in employment, and in which job roles?
- Does your employer have a target for starts per year and how many are expected to come from a) existing staff b) new recruits?
- What training providers is your employer planning to use and how has it assured their quality?
- What is the breakdown by apprenticeship level\* for a) current and b) planned apprenticeships?

### \*Levels (England)

Level 2 = 5 GCSE passes at grades A\* to C

Level 3 = 2 A level passes

Level 4, 5 = Higher national certificate; Foundation degree

Level 6 and 7 = Bachelor's or master's degree apprenticeship

## 3) Partnership working

It is important for branches to be involved in as much of the decision-making around apprentices as possible, and at both an operational and strategic level. Encourage your employer to sign up to a joint employer-staff side apprenticeship agreement that underpins how apprenticeships should operate in your organisation. As well as the areas addressed in this guide UNISON have produced a [national template](#), which can be amended to suit local requirements.

Some key areas include:

- Setting up regular meetings with whoever in the organisation is leading on apprentices to discuss operational issues and progress towards targets
- Including apprentices on the agenda for joint negotiation and consultation meetings to discuss strategic issues
- Being involved in discussions around the development and approval of apprentice job descriptions
- Being involved in discussions around appropriate vacancies for apprentices
- Pay, terms and conditions for apprentices
- Access to recruit and organise apprentices

### **Inclusion and widening participation**

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.

Partnership working in this area could include:

- Joint work to encourage applications from under-represented groups (e.g. by adopting recruitment strategies to reach the widest audience)
- Reviewing the recruitment and selection process and criteria to ensure it does not discourage or exclude under-represented groups
- Encouraging managers and recruitment staff to take part in equality and diversity training

## 4) Quality and support

### **Apprenticeship policy**

Ofsted<sup>3</sup> and the Chartered Institute of Personnel and Development<sup>4</sup> have warned that too many apprenticeships are low quality and add little value other than ticking boxes. Low-skilled roles are being classed as apprenticeships and often used to

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/469814/Apprenticeships\\_developing\\_skills\\_for\\_future\\_prosperity.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/469814/Apprenticeships_developing_skills_for_future_prosperity.pdf)

<sup>4</sup> [http://www.cipd.co.uk/binaries/where-next-for-apprenticeships\\_2016.pdf](http://www.cipd.co.uk/binaries/where-next-for-apprenticeships_2016.pdf)

accredit the established skills of people who have been in a job for some time. In some cases, learners are not even aware that what they are doing is classed as an apprenticeship.

UNISON wants to work with employers in the NHS to ensure that apprenticeships are a high quality, positive experience for apprentices. Investing in quality will help employers to attract and retain a more diverse range of staff, in order to better reflect the communities they serve.

Sitting alongside your joint agreement it is useful for the organisation to have an apprenticeship policy setting out processes and core responsibilities in more detail, and making a commitment to high quality schemes. This should be developed in consultation with local staff sides.

The checklist below advises on what should be included:

### **Procedures and accountabilities**

- a) Cross-reference to the joint employer-staff side agreement
- b) Procedures for the recruitment of apprentices
- c) Procedures for drawing up job descriptions and banding of apprentice roles
- d) Manager/supervisor duties, accountability and responsibility
- e) Training provider duties, accountability and responsibility
- f) Reporting and monitoring procedures

### **Quality systems**

- a) There should be a commitment to having a good mix of apprenticeship levels including higher and degree level apprenticeships, rather than a focus on the quick and cheap intermediate level that allows boxes to be ticked.
- b) Apprenticeships, especially for existing staff, will be genuinely developmental and not merely accredit existing skills and competences.
- c) There should be a clear outreach programme to encourage applications from disadvantaged and under-represented groups.
- d) The staff capacity needed to properly support and mentor apprentices needs to be scoped and agreed early on. There need to be safeguards that recognise maximum numbers of apprentices that can be effectively supported in any one work area.
- e) An apprentice induction programme should cover employment rights and responsibilities and should include a slot for trade unions.
- f) Apprentice recruitment, induction, support and monitoring must be centrally co-ordinated by HR.

- g) Apprentice outcomes must be monitored and exit interviews used to track quality.
- h) A full equality and diversity monitoring scheme is needed covering all stages of the process from applications through to destinations post-apprenticeship including jobs , pay levels and further training programmes.
- i) All apprentice posts should be risk assessed according to the specific issues that might arise for apprentices (eg young workers, shifts, time off-site).

### **Quality offer to apprentices**

- j) Every apprentice should have a tailored learning agreement with their employer and training provider with clear information on respective responsibilities.
- k) Every apprentice should have a named mentor who is not their line manager but is from the same or similar occupational background.
- l) Every apprentice should have clearly defined protected study time of a minimum of 20%.
- m) Every apprentice should have at least monthly 1:1s with their line manager and regular progress reviews, allowing early identification of problems.
- n) Every apprentice should have access to pastoral support. This is a good opportunity to get support for union learning reps or apprentice reps to take on this role.
- o) Additional support may be needed for disadvantaged groups such as care leavers, ex-offenders, disabled apprentices.
- p) Every apprentice should be supported to establish an onward development plan well before their apprenticeship comes to an end.
- q) Every apprentice should be supported to gain an accredited qualification (nB in England some of the new trailblazer type of apprenticeships do not make it mandatory to include a qualification other than the apprenticeship certificate).

## **5)Pay and conditions**

A comprehensive apprenticeship agreement should include a section on pay, terms and conditions. If you can't get a bespoke apprenticeship agreement it will be important to at least get provisions for apprentice pay and conditions written into your existing agreements.

### **Employment status of apprentices**

It will be useful to be clear at the outset of your discussions that employers understand the legal status of apprentices, as we have encountered employers who are confused about this. Getting this straight at the start will help your negotiations on pay and conditions get off on the right footing.

It is recognised in case law, and in government guidance, that apprentices are employees. In England and Wales this has been made explicit in statute via *The Apprenticeships (Form of Apprenticeship Agreement) Regulations 2012* which

require employers to enter into 'apprenticeship agreements'. Such an agreement is a 'contract of service' and the apprentice is therefore a normal employee. The agreement must contain a written statement of particulars (*s1 Employment Rights Act 1996*) and a statement of the skill, trade or occupation for which the apprentice is being trained. If an existing employee is being put through an apprenticeship, their contract will need to be varied to include this statement, but no other changes should be required.<sup>5</sup>

The only alternative employment status for apprentices is the 'contract of apprenticeship', a status which stems from common law associated with historic apprenticeships. These contracts confer additional rights on apprentices over and above those of normal employees. They are fixed term contracts and early termination is usually only fair in cases of extreme misconduct (not capability or redundancy). Tribunals can award enhanced compensation in the event of dismissal of someone working under a contract of apprenticeship.

Having checked that you have a mutual understanding that apprentices are employees, the following is a checklist on pay and conditions that you should seek to get agreement on:

## **TERMS AND CONDITIONS**

### **a) All apprentices will be employed directly**

Some employers make use of Apprentice Training Agencies (ATAs) but UNISON strongly believes that apprentices should be employed directly. Experience has shown that the use of ATAs can cause problems as the agency decides the pay and conditions and has the employment responsibility for the apprentices but it is the NHS organisation that is responsible for supervising, mentoring and managing them in the workplace. This creates an artificial divide and when problems arise they can fall between the gap. Some employers have tried the ATA route and decided that they prefer to have full control over the quality and delivery of their apprenticeship programmes. Confusion over respective responsibilities creates administrative costs and takes needless time and effort to sort out.

Furthermore in the first year of the apprenticeship levy at least, the rules for England will not allow employers to use their levy funds to pay for training and assessment of apprentices employed by an ATA. They will only be able to use their funds for apprentices they employ directly. Beyond the first year it is proposed that only 10% of funds can be used with ATAs. Therefore if your employer is currently using an ATA they will need to review this urgently.

### **b) Apprentices should be employed on Agenda for Change terms and conditions**

Government guidance states that apprentices should be employed on the same terms and conditions as other employees. A two-tier workforce where apprentices are on inferior terms and conditions is unfair, divisive and potentially discriminatory in

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<sup>5</sup> <https://www.gov.uk/government/publications/apprenticeship-agreement-template>



terms of age and sex. Branches should therefore argue to ensure that apprentices have all the same terms and conditions as other employees, including AfC provisions on unsocial hours pay, high cost area supplement, sick pay etc.

They should be given the employer's standard written contract of employment incorporating all AfC terms and conditions.

If you encounter problems with this, you should alert your employer to the clear government guidance:

**“You must offer apprentices the same conditions as other employees working at similar grades or in similar roles. This includes:**

- **paid holidays**
- **sick pay**
- **any benefits you offer, eg childcare voucher schemes**
- **any support you offer, eg coaching or mentoring.”**

[www.gov.uk/take-on-an-apprentice/pay-and-conditions-for-apprentices](http://www.gov.uk/take-on-an-apprentice/pay-and-conditions-for-apprentices)

### **c) Apprentices should have full access to the NHS Pension scheme**

In terms of pension scheme membership, apprentices should be treated like any other new starter and have access to the NHS pension scheme.

For the majority of apprentices this will automatically be the case under auto-enrolment legislation. However, there are certain qualifying criteria for auto-enrolment that means some apprentices may not be automatically enrolled in the scheme.

In order to be automatically enrolled in the NHS Pension Scheme a new starter must meet qualifying earnings which for 2016/17 are set at £10,000 per annum. They must also be aged at least 22 years of age.

If apprentices fall outside of these criteria they will not be automatically enrolled but still have the right to opt-in to the pension scheme, and if they do so then the employer must make contributions to their pension fund.

However, if apprentices are earning less than £5,824 per annum and they opt-in to the scheme, employers are under no obligation to contribute to their pension fund. Current government [guidance](#) states that apprentices should work for a minimum of 30 hours per week and in certain circumstances part time apprenticeships can be agreed for a minimum of 16 hours per week. Therefore an apprentice could be working less than 34 hours per week and if they were receiving the £3.30ph National Minimum Wage this would take them below the £5,824 annual salary leaving them potentially excluded from employer contributions.

Branches should seek a commitment from employers that a) all apprentices should have immediate access to the NHS Pension Scheme and b) that they will pay employer contributions for all apprentices regardless of hours and earnings.

#### **d) Apprentices should have a guarantee of a job if they complete their apprenticeship successfully**

Most employers use fixed term contracts to cover the period of the apprenticeship for those hired as apprentices. UNISON would argue that if the apprentice is filling a permanent vacancy then they could have a permanent contract as any performance issues can be dealt with under normal procedures. However, if the apprentices are supernumerary then a fixed-term contract may be more acceptable. In some cases an employer will temporarily suspend a permanent vacancy for the duration of an apprenticeship.

The principle that you should establish is that apprentices should have the assurance of continued employment if they invest their time in successfully completing an apprenticeship with the employer. This ensures that apprentices are not just being used as cheap, expendable labour but are a genuine and sustainable investment in the future NHS workforce. It will be demoralising if employers reward successful apprentices with a P45 and will damage the reputation of the NHS as an employing sector that needs to attract younger workers and workers from more diverse backgrounds.

If fixed-term contracts are used, you should also seek agreement that:

- Extensions will be available if, for legitimate reasons, an apprentice needs longer than originally envisaged to complete their apprenticeship
- In the event of pregnancy, the apprentice will have her contract extended upon returning from maternity leave so she can complete her apprenticeship
- Apprentices should be allowed to apply for vacant permanent posts elsewhere in the organisation at any time, and if appointed every effort will be made to help them complete their qualifications

## **PAY**

#### **e) Pay arrangements for apprentices should be negotiated with unions to ensure fairness and equality**

UNISON is pushing hard for a nationally negotiated framework for determining apprentices' pay. Our report *'You're hired'* showed very low and exploitative pay rates in use in the NHS by some employers and a wide variation in approaches, many of which have not been negotiated with the trade unions.

**In the meantime, the minimum commitment from your employer must be that pay rates are negotiated with local unions.**

- **For existing staff** being put through an apprenticeship is a form of learning and development and there should be no negative impact on their pay. However once they have completed their apprenticeship, a review of their job description should be carried out. If the job has grown, a review of the banding should be undertaken. In addition, for longer apprenticeships a review of job size and banding should be undertaken at the end of each year.

- The advice below applies to negotiating with your employer about pay arrangements for **apprentices as new starters**.

## UNISON'S GENERAL PAY POLICY

### Living wage

UNISON's general policy is that no apprentice should be paid less than the Living Wage. If your employer already has a Living Wage commitment you should seek to extend it to cover apprentices. Otherwise you should include apprentices in any campaigning work you are doing around implementation of the Living Wage generally.

**Example:** South West Yorkshire Partnership Health branch has an agreement that the employer pays the (Living Wage Foundation) Living Wage including to apprentices after their first three months.

**Example:** In Scotland the use of Annex U for apprentices comes with a guarantee that no apprentice will earn less than the (Living Wage Foundation) Living Wage.

### Band rate for the job

The position of the NHS Staff Side unions has always been that under AfC the top of the pay band is the 'rate-for-the job'. Therefore employers should first look at using the band minimum for the job with progression through the band linked to progression through the apprenticeship. In many apprenticeships there will be no bar to doing this.

### Supporting arguments:

- The NHS Job Evaluation handbook recognises that knowledge for the job may be acquired in-band through on-the-job training
- AfC pay bands contain enough pay points to reflect the acquisition of skills training and experience. The top of the band is effectively the rate for the job and progression towards it occurs as employees gain expertise and experience. Progression through the band for apprenticeships should be aligned with your general pay progression policy.
- The fact that an apprentice may have some time off the job for their study time should not affect the banding
- If the employer doesn't use the band minimum they may have no defence against equal pay claims brought by apprentices, because they have not used a factor-based job evaluation scheme to determine pay.

### *Bands 1 & 2*

- The 'knowledge, training and experience' factor for most Band 1 and 2 jobs will measure at level 1 or level 2 – that is knowledge that is gained in days (1) or weeks (2). It is therefore clear that while an apprenticeship programme may last for 12 months or more, the learning element will be much shorter and that apprentices will quickly be fulfilling the main job requirements and should be paid accordingly

### *Bands 3 & 4*

- For apprentices in Band 3 and 4 roles it may be that the work the person is carrying out at the beginning of their apprenticeship equates to a band 1 or 2 job. This should be assessed and a separate apprentice job description should be drawn up and put through your local matching/job evaluation process. Progress should be regularly monitored by looking at the actual job duties and once they are carrying out the duties of the band 3 or 4 job description, their pay band should be adjusted accordingly. Review points within the apprenticeship can be built in to facilitate this.

### *Bands 5 & above*

- As discussed there are very few apprenticeships for band 5 + roles currently, and when these are developed it is expected that national profiles will be developed. If you are dealing with this locally, you should ask for an apprentice job description to be developed and put through your local matching/job evaluation process.

## **What arrangements does your employer currently have in place for apprentices?**

Your employer may already have pay arrangements in place that have not been agreed with Staff Side.

The advice below deals with the most common arrangements and suggests how you can seek to agree improvements, working toward the Living Wage plus Band minimum position set out above.

## **Correct use of Annex U of the AfC agreement**

Annex U of the AfC national agreement covers 'trainees' but was not specifically designed for apprenticeships as they exist today. Some employers are making selective use of Annex U as a means of paying apprentices less than the Band minimum for the job, when this is not justified.

### **Your starting point should be Annex U Para 2 (ii): JOB EVALUATION**

Annex U para 2(ii) is often ignored by employers but it covers situations where trainees undertake a period of **learning on the job that is usually less than 12 months**. It states that:

“This type of trainee can also be evaluated using the NHS Job Evaluation Scheme. If profiles for this role exist, the lowest banded profile will be appropriate. During the period of traineeship the post holder should not move through the KSF foundation gateway when this is in use in an organisation. An example of this type of trainee is a trainee secretary.”

For most apprenticeships, especially those for jobs at Bands 1-3, **the learning element** of the work apprentices undertake would not usually amount to more than 12 months.

Therefore Annex U para 2(ii) should apply and the job role that the apprentice is undertaking should be captured in a job description and person specification. The job should then be matched or evaluated in the normal way. **In many cases you will find that this will come out in the same band as the substantive post.**

### **Supporting arguments:**

- Most apprentices are quickly carrying out the main job duties. For example for a Band 2 job, the knowledge, training and experience JE factor usually scores level 2: *“At this level the required knowledge generally takes **a few weeks** in the job to learn.”*
- The period of learning to acquire the knowledge and skills for the main job responsibilities is what is relevant, not the length of the apprenticeship overall, which may cover development beyond the minimum job requirements.
- Higher and degree level apprenticeships unlock enhanced career prospects and earnings potential while sparing participants from university tuition fees. But for lower level apprenticeships there is no clear trade-off for the apprentice in return for accepting a lower initial salary, so this cannot be justified.
- If employers follow para 2(ii) and evaluate/match the apprentice role in its own right they will have a defence if an equal pay claim is raised by an apprentice.
- Misapplication of Annex U could give rise to breach of contract claims from apprentices where the AfC agreement is incorporated into their contracts (see above for the importance of ensuring that apprentices are on AfC contracts)

### **You should resist the default application of Annex U Para 2 (iii): % OF BAND MAXIMUM**

UNISON’s evidence is many employers are routinely turning to Annex U in order to use the provisions in Paras 2(iii) and 3 which allow for the application of percentage reductions to band maximums.

However, Annex U says these should only apply where *“staff develop their knowledge and skills significantly **during a time period measured in years.**”*

We would argue that the learning element of the apprenticeship would not normally amount to ‘years’ in the case of intermediate or advanced apprenticeships. It **could** apply in the case of an apprentice with no prior knowledge or experience embarking on a higher or degree level apprenticeship. If percentages of Band maximums are applied for higher and degree level apprenticeships, this should be clearly distinguished from other apprenticeships in your pay agreement. However, as we’ve said these are currently few and far between.

Looking at how long is required to study for the qualification that is delivered through the apprenticeship is a good way of checking whether the learning element spreads over ‘years’. Again the job role that the apprentice is undertaking should be captured in a job description and person specification. It should be reviewed for currency each

year, because the role the apprentice is undertaking is likely to grow as knowledge and skills are acquired.

### **The adult rate of the National Minimum wage forms the absolute minimum that can be paid to an apprentice under the AfC agreement – Annex U Para 4**

Another section of Annex U often overlooked is that pay should never fall below the “*main (adult) rate of the National Minimum Wage*” (para 4). This means that any % reductions made to the Band maximum cannot take the salary below this rate. Furthermore, if the adult NMW rate would be payable two years in a row, then a cash addition must be paid in the second year (see Annex U para 4).

The adult NMW (ages 21 to 24) is £6.95 (October 2016 rate) and for those aged 25 and over it is £7.20 (April 2016 rate). Rates are updated in October or April each year and you can check for the new rates here: [www.gov.uk/national-minimum-wage-rates](http://www.gov.uk/national-minimum-wage-rates)

Annex U was written before the introduction of the new higher NMW rate for those aged 25+. UNISON would argue that this would now count as the ‘main (adult) rate’ of the NMW and is therefore the absolute minimum payable to apprentices under Annex U.

This NMW floor applies in England, Wales and Northern Ireland. Scotland has a better agreement that pay under Annex U cannot fall below the Living Wage of £8.25 an hour (November 2015 rate)<sup>6</sup>.

### **Other apprentice pay arrangements**

The use of the **£3.40 NMW rate for apprentices** (October 2016), should be strongly resisted. Legally, this rate can be paid to apprentices aged under 19 for the duration of their apprenticeship, and for those aged 19 and over for the first 12 months.

Likewise where employers are **making up pay rates** of their own, without any objective justification, such as a £100 flat rate, or a percentage of the Band minimum – these should also be resisted.

If the NHS wants to be seen as a provider of quality apprenticeships that can compete for the best quality apprentices with other sectors, it cannot afford to pay poverty wages.

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<sup>6</sup> [http://www.sehd.scot.nhs.uk/pcs/PCS2016\(AFC\)04.pdf](http://www.sehd.scot.nhs.uk/pcs/PCS2016(AFC)04.pdf)

## Supporting arguments

- Rates this low are exploitative, make it difficult to recruit and retain good staff, and create unfair and unequal pay within the same workforce. These rates create real hardship for apprentices with many barely able to afford to travel to work.
- There are additional financial impacts for young people doing a low-paid apprenticeship. If they were in full-time education their families might be able to continue claiming child tax credits and child benefit for 16-19 year olds. But if they are doing an apprenticeship these entitlements cease.
- The NHS should demonstrate its commitment to equality and diversity by avoiding assumptions that apprentices have no responsibilities and can manage on low earnings. Many apprentices, regardless of age will have caring responsibilities for children or for relatives, or will need to make a financial contribution to their household.
- If pay rates do not relate to the AfC band rates you can warn the employer that they will have no defence against equal pay claims as they are not basing pay on factor-based job evaluation.
- Furthermore, if as we advocate, apprentices are on terms and conditions that incorporate the AfC agreement, paying them rates outside the agreement could create breach of contract claims.

## 6) Organising

The number of apprentices employed in the NHS is set to increase significantly over the next few years. This offers branches an excellent opportunity to recruit new members and potential activists.

### Understanding the issues

It is important not to assume that you know what apprentices' issues may be. For some, the assumption is that apprentices will be concerned with the amount of work they are expected to complete. However, the concern could be that they feel they are not being given enough quality work to do.

Some areas where issues could arise include:

- Quality of induction
- Pay
- Support - from both employer and training provider
- Time off for training
- Assumptions of line managers around skills levels of apprentices
- Work/study balance
- Workload

## Engaging with apprentices

As part of the discussions taking place with the employers it is important to reach an agreement on UNISON's access to apprentices. This could include:

- Being given details of new starters – so apprentices can be approached individually
- Being invited to attend apprentice inductions – so apprentices can be approached in a group setting
- Setting up regular forums/ 'safe spaces' for apprentices to discuss issues

## Recruiting apprentices

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:

- Standard membership fees for an apprentice are £10 per year but a number of UNISON Branches have decided to cover this cost themselves. This can be seen as an investment as it is likely to encourage membership in the first instance and if a member has joined as an apprentice they are more likely to carry on their membership once they are permanently employed.
- With this in mind it would also be useful to meet with apprentices towards the end of the apprenticeship to remind them to convert to full membership when they have gained permanent employment – either with the same employer or in the wider public services.
- Branches might want to assign a specific steward to be the apprentice contact point within the branch. The role of the branch apprentice lead could include:
  - (i) Knowing who and where the apprentices are
  - (ii) Tracking apprentices' estimated completion dates so that conversations about conversion from apprentice membership to full membership can take place
  - (iii) Talking to apprentices about UNISON and apprentice membership
  - (iv) Setting up ways to engage and communicate with apprentices so they are able to raise issues – newsletter, surveys, meetings and forums
  - (v) Meeting with the employer lead to discuss operational issues such as progress towards targets, vacancies and job descriptions and to feedback communication from apprentices
  - (vi) Briefing the UNISON branch secretary on emerging issues so these can be taken to JNC (or equivalent)

## Example of best practice

In order to engage apprentices in the East of England the UNISON region and branches have been running workshops to help support the development of apprentices. The overall purpose of the workshops was to help apprentices develop skills in certain areas, while highlighting the work of UNISON, and the role it can play in relation to the workshop topic. The workshops proved to be successful and popular with both apprentices and employers and in turn became a valuable tool in



promoting recruitment, organising and future activism. The workshops were delivered by branch reps, tutor-trained reps and regional staff and covered subjects such as using social media in a work environment, employee rights and responsibilities, sickness absence, job applications and interview skills and dealing with stress.

## 7) Useful resources

### **You're hired: a UNISON report on apprenticeships in the NHS**

[https://www.unison.org.uk/content/uploads/2016/06/NHS-Apprenticeships-UNISON-Fol\\_report\\_final.pdf](https://www.unison.org.uk/content/uploads/2016/06/NHS-Apprenticeships-UNISON-Fol_report_final.pdf)

### **UNISON General Bargaining Advice:**

[www.unison.org.uk/content/uploads/2016/07/Negotiating-an-apprenticeship-policy-in-your-workplace.pdf](http://www.unison.org.uk/content/uploads/2016/07/Negotiating-an-apprenticeship-policy-in-your-workplace.pdf)

### **Apprentices £10 recruitment leaflet:**

[www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue220112.pdf](http://www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue220112.pdf)

### **Your rights as an apprentice:**

(leaflet for members)

[www.unison.org.uk/content/uploads/2014/11/On-line-Catalogue228262.pdf](http://www.unison.org.uk/content/uploads/2014/11/On-line-Catalogue228262.pdf)

### **How to recruit apprentices:**

(This is a local government resource but can be used in the NHS too)

[www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue219062.pdf](http://www.unison.org.uk/content/uploads/2013/11/On-line-Catalogue219062.pdf)

### **Partnership case study**

[www.socialpartnershipforum.org/case-studies/apprenticeship-implementation-project-aintree-university-hospital/](http://www.socialpartnershipforum.org/case-studies/apprenticeship-implementation-project-aintree-university-hospital/)

### **ULR case study**

[www.unison.org.uk/about/what-we-do/fairness-equality/young-members/key-issues/apprenticeships/](http://www.unison.org.uk/about/what-we-do/fairness-equality/young-members/key-issues/apprenticeships/)

### **More information on apprenticeships**

[www.nsahealth.org.uk/apprenticeships](http://www.nsahealth.org.uk/apprenticeships) - England

[www.apprenticeships.scot/](http://www.apprenticeships.scot/) - Scotland

<https://businesswales.gov.wales/skillsgateway/apprenticeships> - Wales

[www.nidirect.gov.uk/campaigns/apprenticeships](http://www.nidirect.gov.uk/campaigns/apprenticeships) - Northern Ireland

