

# Apprenticeships Toolkit

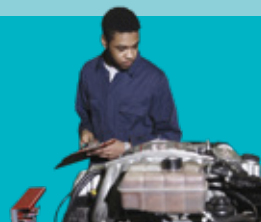
A resource for union negotiators and reps



unionlearn  
from the TUC



# Negotiating and bargaining on apprenticeships



The government has committed to substantially increase the number of apprenticeships. Therefore, it is crucial that union reps and officers negotiate with employers to set up high-quality apprenticeships.

“ Apprentices should have contracts of employment for at least the duration of the training period ”

Trade unions support and represent apprentices in a number of ways, from recruitment and organising, to pay bargaining, learning and skills, equality and diversity and health and safety.

Unions will have their own negotiating approaches on apprenticeships. Some will include apprenticeships in learning agreements, some will draw up specific apprenticeship agreements and others will treat apprentices like any other category of worker.

Apprenticeship programmes can be used to train existing staff, as well as young people recruited specifically as apprentices. Unions will need to consider the differing needs of both groups when discussing apprenticeship programmes with employers.

Apprenticeships are required to meet government minimum standards (see also *Minimum standards* sheet).

These include: a minimum duration of 12 months; employment for at least 30 hours per week or agreed as part time, which will have an impact on the duration of an apprenticeship; an English and maths requirement; and minimum requirements around off-the-job training.

Apprentices have the same statutory rights as other employees.

Unions will often negotiate higher quality apprenticeships that far exceed these minimum standards.

The TUC Charter for Apprenticeships ([www.unionlearn.org.uk/charter-apprenticeships](http://www.unionlearn.org.uk/charter-apprenticeships)) outlines the key principles that should underpin an apprenticeship and includes the following points:

**Contract of employment** – Apprentices should have contracts of employment for at least the duration of the training period.

Ideally, an apprenticeship should lead to a guaranteed job. Apprentices are also entitled to a commitment statement that covers the employer and the provider.

**Decent pay and conditions** (see the *Pay for apprentices* sheet) – Nearly one in five apprentices are not receiving the minimum wage to which they are entitled<sup>1</sup>. These are unlikely to be apprentices in unionised workplaces, as unions will negotiate fair wage rates for their apprentices. Wage rates should progress incrementally as apprentices begin to increase their skill levels. If percentage rates are negotiated, they should start as high as possible and progress by time served or competencies achieved, rather than by age. In industries such as construction, with nationally agreed apprentice pay, ensure the local employer is complying with that agreement. Stewards/ workplace reps have a clear role to play in ensuring that apprentices are included within collective bargaining over terms and conditions.

**High quality training** (See also the *Training* sheet) – Union negotiators will want to

<sup>1</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630070/apprenticeship-pay-survey-2016-report-gb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630070/apprenticeship-pay-survey-2016-report-gb.pdf)



ensure that apprenticeship programmes in their workplaces identify a clear programme of training, which includes sufficient time spent off the job – such as in college, in dedicated training centres at the workplace, or in private study. Union learning reps can help to ensure that the training aspect of the apprenticeship is of sufficient quality. Where there is a learning agreement in the workplace it is a good opportunity to review it, and include apprenticeships.

**Access to a trade union** – Apprentices have the right to join a trade union. Apprentices are often young people with little experience of the workplace or trade unions. Union reps should negotiate with employers to make sure that the union has the opportunity to speak to apprentices when they start work.

**Equality and diversity** (see also the *Widening access* sheet) – A good apprenticeship programme should ensure that apprenticeships are accessible to the widest possible demographic. Union equality reps can help and advise on this.

**Health and safety** (see also the *Health & safety* sheet) – Apprentices must be able to learn new skills in a safe environment. Apprentices are especially vulnerable to health and safety risks as they are working in unfamiliar environments, often with unfamiliar equipment. Safeguarding employees from physical or mental harm is a major priority for unions, and unions should

“ Unions must ensure that apprentices are not used for job substitution ”

ensure that the importance of health and safety is emphasised in any apprenticeship scheme. Union health and safety reps are ideally-placed to tackle these issues.

**No job substitution** – Unions must ensure that apprentices are not used for job substitution as a way to save on wage costs, that they are recruited to fill genuine skills shortages, and that employers plan for future skills gaps.

**Mentoring** (see also the *Mentoring* sheet) – Good mentoring has always been a crucial factor in supporting apprentices to complete their training successfully, and to progress in their career. Union engagement in apprenticeships at the workplace level should involve some form of mentoring of apprentices by union representatives, and this is a role that reps of any kind could take on.

Clearly then, apprenticeships present a key area of engagement for all types of union representative, and an organising opportunity, too. If some of these representative roles are not present in the workplace, the introduction and support of apprentices would be a good opportunity to recruit new union activists.



The TUC has developed a range of interactive learning modules, eNotes, which reps will find useful when preparing to discuss apprenticeship programmes with employers: [www.tuceducation.org.uk/enotes](http://www.tuceducation.org.uk/enotes)

### **Making the business case**

There is strong evidence<sup>2</sup> that apprenticeships are a good prospect for investment in terms of returns to individuals, businesses and to government.

### **Good for apprentices**

→ The lifetime benefits for adult apprentices at Level 2 and 3 are very significant, standing at between £48,000 and £74,000 for Level 2 and between £77,000, and £117,000 for Level 3 apprenticeships. Higher apprentices could earn £150,000 more on average over their lifetime compared to those with L3 vocational qualifications.

→ Eighty-six per cent of all age apprentices included in the apprenticeship evaluation 2017 said their ability to do the job had improved, and 85 per cent of those apprentices said their career prospects had improved. Eighty-nine per cent of apprentices were happy with their apprenticeship experience.

→ Apprentices on higher level, good quality apprenticeships – those with a Level 5 qualification – will earn £50,000

more in their lifetime than someone with an undergraduate degree from a university outside of the Russell Group, taking home close to £1.5m over their career<sup>3</sup>.

### **Good for employers**

→ Eighty-four per cent of employers said that they were satisfied with their apprenticeship programme.

→ Seventy-four per cent of employers included in the apprentice employer survey 2017 reported that apprenticeships improved the quality of their product or service, and 78 per cent believed they had improved productivity.

### **The economy as a whole – apprenticeships deliver productivity and growth**

→ The National Audit Office Report published in February 2012 demonstrates the high level of return to investment delivered by the Apprenticeship Programme, indicating that adult Apprenticeships deliver £18 of economic benefits for each pound of government investment. The government estimates are even higher, at £28 for each pound of government investment.



<sup>2</sup> Department for Education - Apprenticeship evaluation 2017: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/659709/Apprenticeships\\_evaluation\\_2017-learners.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/659709/Apprenticeships_evaluation_2017-learners.pdf) (*learners*)  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/659710/Apprenticeships\\_evaluation\\_2017\\_employers.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/659710/Apprenticeships_evaluation_2017_employers.pdf) (*employers*)

<sup>3</sup> [www.suttontrust.com/researcharchive/levels-of-success/](http://www.suttontrust.com/researcharchive/levels-of-success/)

# The Apprenticeship levy and other developments



The government has committed to delivering three million apprenticeship starts by 2020. This will be a substantial increase on previous levels of apprentice starts.

## The apprenticeship levy

From April 2017 the UK government began collecting an apprenticeship levy from all eligible employers (both private and public). Employers pay the levy, at a rate of 0.5 per cent of payroll, from the point where their payroll exceeds £3m. There is a £15,000 fixed annual allowance for employers to offset against their levy payment, which in effect exempts them from paying the levy on £3M of their annual wage bill. It is anticipated that the levy will raise around £2.5bn each year from employers.

Employers can recoup their levy contribution if they take on apprentices. The levy can be used to fund apprentices aged 16 and over. Apprenticeships can be used to train new entrants or existing employees.

Employers will be able to use their funding to cover the costs of an apprentice's training (up to a cap which will depend upon the standard or framework that is being trained against) including assessment and certification. It is not possible to use levy funds to cover

any costs other than these training and assessment costs. Overheads, supervision costs and apprentices' wages must not be funded by the levy. English and maths learning, where necessary, is separately funded.

The levy is collected by HMRC. Individual employers' funding for apprenticeship training in England is then made available to them via an online apprenticeship service account. Employers can use this to pay for training for apprentices.

Funding caps limit the amount of levy funds an employer can spend on training for an individual apprentice. The cap varies according to the level and type of apprenticeship (for example, more expensive, higher quality training is likely to have a higher cap).

Employers can only spend their levy funds on apprenticeship training delivered by an approved provider. In some circumstances, employers can transfer 10 per cent of their levy funds to other organisations (e.g. to fund apprenticeships in companies in their supply chain).

“Employers can recoup their levy contribution if they take on apprentices”

## Apprenticeship levy example

Employer of 250 employees, each with a gross salary of £20,000 would pay:

**Pay bill:**  $250 \times £20,000 = £5,000,000$

**Levy sum:**  $0.5 \text{ per cent} \times £5,000,000 = £25,000$

**Allowance:**  $£25,000 - £15,000 = £10,000$  annual levy payment



“Genuine industrial partnerships, including all stakeholders within an industry, are needed to design and deliver high quality apprenticeships - as is the case in other European countries.”



Employers in England who pay the levy, and are committed to apprenticeship training, can get out more than they pay in to the levy through a top up to their apprenticeship service accounts. The government applies a 10 per cent top-up to monthly funds entering levy-paying employers' accounts.

The introduction of the levy is hoped to lead to the creation of new apprenticeships. This is a good opportunity for unions to become

involved at the inception of apprenticeship programmes, and to negotiate high quality opportunities.

### **Apprenticeship public sector targets**

The government has introduced an apprenticeship target for public sector organisations with over 250 employees.

The target requires public sector organisations to work towards employing 2.3 per cent of their workforce as apprentices.



### **The Institute for Apprenticeships**

An independent body led by employers, called the Institute for Apprenticeships, has been established to ensure the development of high quality apprenticeships. It supports employer groups to develop apprenticeship standards and assessment plans, which it then approves and publishes, and quality-assures end-point assessments (see also *Standards and assessment* sheet). The Institute also sets funding caps, and provides information to employers around funding their apprenticeships.

The TUC has said that the Institute should involve key stakeholders, including trade unions, to ensure apprentices are properly represented in the new structure. Genuine industrial partnerships, including all stakeholders within an industry, are needed to design and deliver high quality apprenticeships - as is the case in other European countries.

### **Non levy-paying employers**

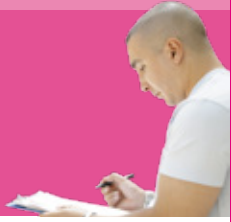
Non levy-paying employers (those with a payroll of less than £3m per year) access apprenticeship funding in a very different way. In an arrangement known as 'co-investment', the Education and Skills Funding Agency pays up to 90 per cent of the training costs (subject to a funding cap depending on the apprenticeship being offered). The employer must then cover the remaining ten per cent.

Apprenticeship funding rules are reviewed fairly regularly. Search [www.gov.uk](http://www.gov.uk) for up to date guidance.

The latest government guidance for employers can be found at: [www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work](http://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work)

More details on all the latest apprenticeship developments can be found at [www.unionlearn.org.uk](http://www.unionlearn.org.uk)

# Pay for apprentices



Apprentices should be paid a fair wage for doing their job, albeit one involving extensive periods of education and training. There are clear legal, moral and business reasons for employers to pay apprentices a decent wage.

“Apprentices should also receive the same benefits as other employees such as pension contributions, subsidised canteen and leisure facilities”

The last detailed survey<sup>1</sup> of apprentice pay revealed that among Level 2 and Level 3 apprentices the mean basic pay was £6.98 an hour, and the median £6.70. Among higher apprentices on Level 4 and Level 5 provision, the mean pay was £10.80 an hour, and the median £9.83.

Shockingly, the survey also revealed that nearly one in five Level 2 and 3 apprentices were not receiving the minimum wage they were entitled to, despite the fact that the rates for apprentices are already substantially lower than the main adult rate. This is a much higher proportion of non-compliance with minimum wage legislation than for the workforce generally<sup>2</sup>.

Recent research shows 40 per cent of apprentices spend more money on expenses like travel, meals, childcare and work clothes than they get paid for their apprenticeship. Being on an apprenticeship (unlike continuing with school or college education) ends the family's eligibility for Child Benefit, meaning many 16 to 18 year olds face additional pressures and hardship.

As their skills develop, apprentices' pay should increase accordingly. They may also get additional money for essential books, clothing or equipment. Apprentices should also receive the same benefits as other employees such as pension contributions, subsidised canteen and leisure facilities.

## National minimum wage

([www.gov.uk/national-minimum-wage-rates](http://www.gov.uk/national-minimum-wage-rates))

At present in England, apprentices over the age of 19 are entitled to the national minimum wage for their age group after they have completed the first 12 months of their apprenticeship.

Those under the age of 19, or in the first twelve months of their training, are currently entitled to an apprenticeship national minimum wage which is £3.70 an hour from April 2018. The rate is reviewed annually.

Apprentices should be paid for time spent training off the job as well as the time they spend in the workplace. The minimum wage entitlement for apprentices will also cover Wales, Northern Ireland and Scotland.

## Why paying more pays off

There is a clear link between apprenticeship completion rates and pay. Completion rates improved from 24 per cent in 2001/02 to 63 per cent in 2005 when the minimum pay rate for apprentices was introduced.

Apprentices who are paid a fair wage are more likely to complete their apprenticeship and stay on with their employer afterwards.

<sup>1</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630070/apprenticeship-pay-survey-2016-report-gb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630070/apprenticeship-pay-survey-2016-report-gb.pdf)

<sup>2</sup> [www.tuc.org.uk/news/135000-apprentices-cheated-out-minimum-wage-finds-tuc](http://www.tuc.org.uk/news/135000-apprentices-cheated-out-minimum-wage-finds-tuc)





### Checklist for negotiators

- ➔ Apprentice pay rates should reflect the job being done and should be negotiated in line with other pay rates in the workplace.

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- ➔ If percentage rates are negotiated, they should start as high as possible and progress by time served or milestones reached, rather than by age.

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- ➔ In industries such as construction, with nationally agreed apprentice pay, ensure the local employer is complying with that agreement.

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- ➔ Pay rates for existing staff who enrol on apprenticeship programmes should remain unaltered.

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# Health and safety and working time

Apprentices must be able to learn new skills in a safe environment. Union health and safety representatives can play an essential role in supporting apprentices and ensuring that they have a safe and healthy working environment during their apprenticeships.

The workplace can be a dangerous place, in which accidents sometimes occur. Young people are particularly vulnerable in a working environment, especially when they are new to the workplace, and may have specific health and safety requirements.

Health and safety risks to apprentices are increased where employers and providers look to misuse the apprenticeship programme to save money, rather than offer a young person a supportive, high-quality training experience. Such exploitation can also leave apprentices particularly vulnerable to the mental health risks associated with bullying or harassment.

## The law

Under the Health and Safety and Work Act 1974 young workers should receive at least the same protection as other workers. However, there are some legal provisions that apply specifically to workers aged under 18.

More information can be found at [www.hse.gov.uk/youngpeople/index.htm](http://www.hse.gov.uk/youngpeople/index.htm).

## The role of the union health and safety representative

Unionised workplaces are safer workplaces. Union health and safety representatives and negotiators are likely to be aware of the general potential hazards in their workplace and the measures that should be taken to protect their members'

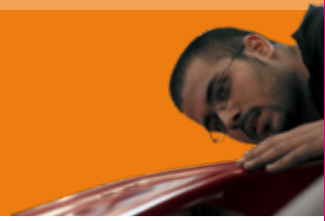
health and safety. They are ideally suited to be both messengers and champions for the health and safety agenda within a workplace. They can help support an apprentice's needs within a specific workplace and help ensure a safe and healthy working environment.

Where they are present, union safety representatives work with stewards and union learning representatives to ensure that health and safety is core to any apprenticeship scheme. The best protection for apprentices is to become members of trade unions, and for workplaces to have strong trade union organisation. In particular, union health and safety reps can make sure that the employer has fully complied with their legal duties to carry out a suitable and sufficient risk assessment, on all aspects of the apprentice's work, before they start.

## Key working time rights for apprentices under the age of 18

Young workers are entitled to:

- ➔ two days off per week
- ➔ a daily rest break of 12 consecutive hours (the break between finishing work one day and starting work the next)
- ➔ a rest break of at least 30 minutes if the working day lasts more than 4.5 hours



“Where they are present, union safety representatives work with stewards and union learning representatives to ensure that health and safety is core to any apprenticeship scheme”

- a normal work quota of not work more than eight hours a day or 40 hours a week
- an expectation of not having to work at night - however, there are some exceptions.

### Checklist

The following guidance is taken from unionlearn's guide to health and safety for apprentices, which can be found at [www.unionlearn.org.uk/health-and-safety-apprentices](http://www.unionlearn.org.uk/health-and-safety-apprentices).

When talking to an employer about taking on apprentices, you should make sure you cover the following points:

#### ✓ Risk assessment

Has the employer done a full risk assessment on all aspects of the apprentice's job before they start, taking into account the individual apprentice's lack of experience? Has the employer taken appropriate steps to eliminate or minimise any risks identified, and explained any remaining risks to the apprentice?

#### ✓ Induction training

Is health and safety covered in the induction training, and is it appropriate to the kind of work that the apprentice will be doing?

#### ✓ Supervision

Are supervisors trained and competent to supervise a young person, and are they given enough time to do so?

#### ✓ Training

Is health and safety an integral part of the training that the young person receives?

#### ✓ Protective equipment

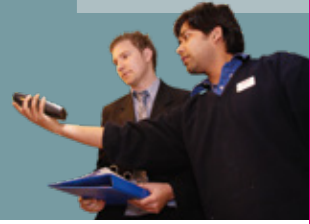
Is the apprentice issued with appropriate protective clothing and equipment at no cost to them?

#### ✓ Monitoring

Is the apprenticeship training and any injuries relating to apprentices being monitored by the employer?



# High-quality training



Apprenticeships are paid jobs that incorporate on and off the job training. A good-quality apprenticeship should enable the apprentice to develop a range of high quality, nationally recognised transferable skills on completion of their contract.

An apprenticeship must include guided learning, assessment, training and monitored workplace practice, planned and agreed between the apprentice and their employer. All apprentices need to have a clear balance between time working, time learning while working, and time away from the workstation to study.

For part-time apprenticeships, there is guidance setting out pro rata arrangements (see [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/683579/17\\_18\\_apprenticeship\\_funding\\_and\\_pm\\_rules\\_V5.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/683579/17_18_apprenticeship_funding_and_pm_rules_V5.pdf))

## Off-the-job training

The government has put in place minimum standards for apprenticeships (see *Minimum standards sheet*). Included in these is a requirement that an apprentice spends a minimum of 20 per cent of their employed time doing off-the-job training. Off-the-job training is defined as learning which is undertaken outside of the normal day-to-day working environment and leads towards the achievement of an apprenticeship. The training provider must keep a record of off-the-job training for audit purposes.

The format, location and timing of off-the-job training are open to negotiation between the employer and the learning provider. It may, for example, take place at or away from the apprentice's workstation, provided it does not form part of normal

work duties and is aimed at developing skills, knowledge or behaviours directly relevant to the apprenticeship. Classroom-based learning and practical activities, like shadowing or site visits, could be included.

Off-the-job training must take place in the apprentice's paid time (or a suitable compensatory arrangement be made, such as time off in lieu). It cannot be solely delivered online, though blended learning is acceptable where it is appropriate. Time taken for progress reviews/assessments cannot be counted, nor any English or maths learning (up to Level 2) that the apprentice needs to undertake in order to achieve the apprenticeship.

Despite these rules, the government's own recent research<sup>1</sup> reveals that one in seven apprentices say they have received no formal training at all, and 37 per cent are not receiving the minimum amount of training they should be for the apprenticeship. Among apprentices who were already existing staff before commencing their apprenticeship, over half are not receiving minimum levels of training.

## Negotiating checklist

Negotiators might want to familiarise themselves with the government's guidance on off-the-job training, which can be found at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/621565/OTJ\\_training\\_guidance.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/621565/OTJ_training_guidance.pdf)



<sup>1</sup> [www.gov.uk/government/publications/apprenticeships-evaluation-2017-learners-survey](http://www.gov.uk/government/publications/apprenticeships-evaluation-2017-learners-survey)



Consider the following points of best practice when negotiating apprenticeship programmes:

- Where off-the-job learning takes place at the workstation, steps should be taken to ensure that distractions and demands of the job are minimised.

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- The provider should be consulted about the amount of time that the apprentice will be required to spend out of work as well as the time recommended for study in the workplace. Each apprentice should receive a commitment statement outlining the training that will be delivered and how the off-the-job element will be delivered. Actual training received should be recorded to ensure it at least meets the specifications in the commitment statement.

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- The employer should also give consideration to allowing time off for both the apprentice and their mentor to meet for mentoring sessions and informal discussions.

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- Where existing staff take up an apprenticeship they should be made fully aware of the commitment required to complete the apprenticeship and their rights to paid time off for training, and not subjected to any pressure to sign up to apprenticeships against their wishes.

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# Widening apprenticeship access to under-represented groups



A quality apprenticeship programme should ensure that under-represented groups are given equal opportunities to start an apprenticeship. Union representatives have extensive experience of helping hard-to-reach workers and making sure the whole workforce has the opportunity to access training.

“The TUC is concerned this falling completion rate indicates that too many apprenticeships are not decent quality, and that workplace discrimination is preventing under-represented groups achieve their qualifications”

There is significant work to be undertaken to improve equality and diversity within apprenticeships. It is welcome that the government has set up an advisory group to address some of these challenges and that there is a commitment to increase BAME participation in apprenticeships by 20 per cent<sup>1</sup>.

In 2014–2015 just 61.9 per cent (around three-fifths) of young black women successfully completed their training programmes, compared to more than two-thirds (66.4 per cent) of Asian and (69.5 per cent) white apprentices. The TUC is concerned that these different completion rates indicate that too many apprenticeships are not decent quality, and that workplace discrimination is preventing under-represented groups achieve their qualifications.

Jeremy Crook, chair of the government's Apprenticeships Equality and Diversity Advisory Group has highlighted that the proportion of ethnic minority people who apply for an apprenticeship is far higher than the proportion who start one. In 2015/16, 38 per cent of the applications for apprenticeships were from individuals not classed as 'white British', but only 17.2 per cent starts in that year were from this group.

Women made up 54 per cent of all apprenticeships started in 2016/17. Whilst

the ratio of male/female apprentices is nearly balanced, many young women are working in sectors synonymous with low pay and do not have as much opportunity to progress through apprenticeship levels, which would lead to increased career opportunities and higher pay.

Only one per cent and three per cent of apprenticeship starts were by women (aged under 19) in construction and engineering, respectively<sup>2</sup>.

The Apprenticeship Pay Survey of 2016 revealed that non-compliant pay (pay levels which breached the apprenticeship national minimum wage) was more common among apprentices in hairdressing (46 per cent) and children's care (27 per cent). Apprentices in these sectors are overwhelmingly women – 92 per cent and 94 per cent respectively<sup>3</sup>.

In comparison, women only make up 7.4 per cent of apprenticeships in the more highly paid sector of engineering and manufacturing technologies, which has an average hourly salary of double that in the hairdressing sector.

This is one of the reasons for an overall gender pay gap of 19.2 per cent, but even within the same sector women are being paid less: for example, 61 per cent of apprentices in the retail sector are female,

<sup>1</sup> [www.conservativehome.com/thetorydiary/2015/04/camerons-message-to-ethnic-minority-voters.html](http://www.conservativehome.com/thetorydiary/2015/04/camerons-message-to-ethnic-minority-voters.html)

<sup>2</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/education-%20committee/apprenticeships-and-traineeships-for-16-to-19-year-olds/written/15592.pdf>

<sup>3</sup> [www.youngwomenstrust.org/assets/0000/2906/Making\\_Apprenticeships\\_Work\\_For\\_Young-Women.pdf](http://www.youngwomenstrust.org/assets/0000/2906/Making_Apprenticeships_Work_For_Young-Women.pdf)





but they are paid 16 per cent less than male retail apprentices<sup>4</sup>. Research by unionlearn (2011) reinforces these earlier findings, showing that occupations with the highest-paid apprenticeships tend to have a much lower ratio of female apprentices<sup>5</sup>.

The employment rate for disabled people in the UK remains much lower than that of non-disabled people<sup>6</sup>. Similarly, although the overall number of disabled people starting an apprenticeship more than doubled between 2005 and 2015, the proportion of all apprentices who are disabled actually fell from 11.5 per cent to 9.9 per cent<sup>7</sup>.

Unions have a crucial role to play in ensuring that women, disabled people, ethnic minorities and other disadvantaged groups are not discouraged from taking up apprenticeship opportunities.

There are a number of practical reforms that should be considered, such as improving careers guidance, amending recruitment practices and providing further childcare support for parents that are undertaking apprenticeships.

Some points to suggest to your employer:

- Consider what reasonable adjustments they could make and what support services they could make in order to make their apprenticeship programmes accessible to disabled people.

Unionlearn's comprehensive guide can be downloaded at [www.unionlearn.org.uk/publications/accessible-apprenticeships](http://www.unionlearn.org.uk/publications/accessible-apprenticeships)

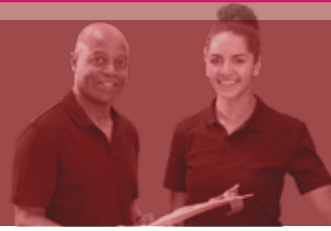
- Encourage applications for apprenticeships from under-represented groups – consider how marketing and recruitment strategies could reach a wider audience. Ensure that any pre-apprenticeship or traineeship initiatives (see *Pre-apprenticeships* sheet) take positive steps to engage under-represented groups
- Use more targeted recruitment by working with community groups and media outlets that work closely with under-represented groups.
- Tackle workplace discrimination and discriminatory recruitment practices.
- Where apprenticeship programmes include existing staff, ensure that participation is encouraged as widely as possible.
- Review recruitment and selection criteria to ensure they don't exclude or discourage under-represented groups.
- Consider giving all "atypical" applicants who meet the minimum selection criteria an interview, and

<sup>4</sup> *Apprentices and Gender Segregation: still more (better paid) jobs for the boys*, TUC, 2008  
[www.tuc.org.uk/sites/default/files/extras/genderreport.pdf](http://www.tuc.org.uk/sites/default/files/extras/genderreport.pdf)

<sup>5</sup> *Apprentice Pay and Conditions*, unionlearn 2011 - [www.unionlearn.org.uk/sites/default/files/apprenticeship-research.pdf](http://www.unionlearn.org.uk/sites/default/files/apprenticeship-research.pdf)

<sup>6</sup> October-December 2015, Great Britain, TUC analysis of Labour Force Survey

<sup>7</sup> [www.tuc.org.uk/sites/default/files/Accessible\\_Apprenticeships.pdf](http://www.tuc.org.uk/sites/default/files/Accessible_Apprenticeships.pdf)



“ Unions have a crucial role to play in ensuring that women, disabled people, ethnic minorities and other disadvantaged groups are not discouraged from taking up apprenticeship opportunities ”

consider using positive action to address under-representation.

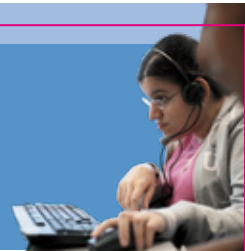
- Carry out equality and diversity training for managers and others involved in recruitment
- Provide flexible working hours, especially part-time apprenticeships to meet the needs of specific groups (e.g. carers, disabled people etc.).
- Ask current apprentices and employees from under-represented groups to act as role models or “champions”.
- Target particular groups by holding recruitment days at community events.
- Look for training providers who are actively involved in training atypical apprentices, and have incorporated their views in the design, development, review and delivery of apprenticeships.
- Targeting information at parents of young people from disadvantaged

groups will also help to address their under-representation.

- Try to ensure the composition of the workforce reflects the local community.
- Set up an equal opportunities policy, and include provision for union equality reps to help address equality issues for apprentices and the wider workforce
- Check whether any workforce training and development plan has an equal opportunities clause.
- Check that training provided to the staff involved in running the apprenticeship programme includes training on equal opportunities and its application to recruitment.
- Put in place steps to monitor the outcome of apprenticeships to ensure that people from under-represented groups gain access to long-term employment opportunities.



# Mentoring



Mentoring is an effective way of helping people to progress in their careers and it is particularly useful for young apprentices as it helps them acclimatise to the workplace and gives them additional support.

“Mentoring is a good way of supporting and improving communication between the employer and apprentice, often giving apprentices ‘a voice’”

There is evidence that mentoring programmes lead to improved apprenticeship completion rates<sup>1</sup>.

However, many organisations, employers and even providers are unclear as to what mentoring is, and how it can be used effectively to support apprentices to complete their apprenticeship successfully and progress to further learning and success at work. The TUC has developed an interactive, online learning module that helps to explain what mentoring involves and provides further signposting to useful materials. Visit this site for further information [www.tuceducation.org.uk/enotes](http://www.tuceducation.org.uk/enotes).

Traditionally, mentoring is the long-term passing on of support, guidance and advice. In the workplace it has tended to describe a relationship in which a more experienced colleague uses their greater knowledge and understanding to support the development of a more junior or inexperienced member of staff. Mentors rely upon having had similar experiences to gain an empathy with the mentee and an understanding of their issues.

Mentoring leads to a number of benefits, not just to the mentee but to the mentor, employers, training providers and the union alike.

## What is mentoring for?

It is used specifically and separately as a form of long-term tailored development for the individual which brings benefits to the mentee, mentor and organisation. Mentoring provides the mentee with an opportunity to think about career options and progress.

Mentors can give advice, help a new employee orientate into the workplace, provide Information, Advice and Guidance relating to the learning and training aspects of the apprenticeship and work with the apprentice and employer to ensure that problems are resolved quickly and do not threaten the apprenticeship.

Mentoring can help apprentices and new employees adopt soft employment skills, such as time-keeping and prioritisation, and helps manage the transition from school or college environment to the workplace.

Mentoring is a good way of supporting and improving communication between the employer and apprentice, often giving apprentices ‘a voice’.

Mentors play an important role in passing on skills and knowledge, with many employers viewing the mentor as critical in supporting the ‘learning through doing’

<sup>1</sup> *The Role of Mentoring in Supporting Apprenticeships*, Andy Hirst, Christina Short and Sini Rinne of Cambridge Policy Consultants, Research Paper 20, April 2014

“ A mentor should be someone from outside the apprentice’s reporting hierarchy at work. A ULR or workplace rep is often well placed to mentor apprentices ”

process. This process is also seen as two-way, with experienced members of staff benefiting from fresh insight and up-to-date knowledge.

### **What can be discussed?**

Mentoring differs from the typical support offered from a line manager. For example, it allows young workers and apprentices to discuss issues that they may not feel comfortable speaking to management about with a trusted mentor, who can offer them valuable support.

### **What is its purpose?**

It focuses as much on trusted support, personal development and soft employment skills as it does on professional development. Personal issues can be discussed more productively.

### **How does it work?**

The form that mentoring takes may differ depending on the mentee involved – a student may need different support to an apprentice, for example, with the focus shifting from pastoral care to professional development.

### **Why is it important?**

Mentoring plays an important role in motivating apprentices to persevere with their training through to achievement of their qualification.





## Why is it different from other support?

The purpose is to support and encourage people to manage their own learning in order that they may maximise their potential, develop their skills, improve their performance and become the person they want to be.

A mentor should be someone from outside the apprentice's reporting hierarchy at work. A ULR or workplace rep is often well placed to mentor apprentices.

It is also essential that issues between mentor and mentee are confidential.

## Negotiating notes

An employer considering taking on apprentices should give consideration to allowing for training and time off for mentors within the company. Union reps often have training and experience of mentoring type skills through their

union role. For example, many will already have experience of the following mentoring skills:

- active listening
- questioning
- building rapport
- offering constructive feedback
- setting targets
- offering support and guidance
- signposting
- acting as a role model.

Union reps are therefore ideally placed to support apprentices at work, which can significantly improve the success of any apprenticeship programme.

## Mentoring overview

Core focus:	Career development and psychological support
Relationship:	Mutual learning with mentor passing on experience
Timescale:	On-going
Delivery:	Can be formal or informal with an internal or external mentor
Target group:	Primarily on an individual level
Outcomes:	Guidance on personal development and developing career path.



# English, maths and Functional Skills in apprenticeships



Good literacy and numeracy skills are important for everyone, both those working and studying.

Research by the OECD has highlighted that more adults and young people in England have below-average levels of English and maths skills compared to other countries. The Government is supporting all young people and adults to achieve Level 2 skills (equivalent to GCSE pass mark 4-9) and funding has been made available for this provision.

Embedding English and maths learning in apprenticeships has been one of the tools the government has used to enable more people to achieve minimum standards, as well as underlining the importance of literacy and numeracy at work.

Depending on the apprenticeship programme the required level can be achieved through GCSEs or Functional Skills.

## Requirements

Apprenticeships include learning in English and maths up to Level 2. However, apprentices who already have GCSEs in English and maths at grades 4-9 (or Level 2 Functional Skills if aged 19+) do not have to continue studying these subjects.

Apprentices on Level 2 apprenticeships must achieve Level 1 in English and maths in order to complete their apprenticeship.

Apprentices on Level 2 apprenticeships under the Trailblazer standards must study towards Level 2 and take the exam (though they do not have to achieve a pass mark) before completing their apprenticeship.

Level 3 and 4 apprentices must achieve

Level 2 in English and maths prior to taking their final apprenticeship assessment.

However, recent research shows that not all apprentices are being offered the English and maths learning provision that they are entitled to<sup>1</sup>.

## GCSEs or Functional Skills?

The government has been keen to promote the use of GCSEs to meet the English and maths requirements in new apprenticeships because they feel that GCSEs have good employer recognition. However, there is an increasing acknowledgement that Functional Skills should be considered as an alternative to GCSEs for people who find academic qualifications challenging.

With their contextualised and practical nature, Functional Skills are often considered a more appropriate and motivating approach for workplace settings. A recent review from the Education and Training Foundation (ETF) showed that employers value practical skills in maths and English. They highlighted that employers who employed apprentices saw Functional Skills as a better match for their apprentices than GCSEs.

Additionally, Functional Skills can be assessed any time of the year, while GCSE exams can only be taken in June, and re-sits in November. These limitations can have a negative impact on apprentices' motivation to study for GCSE exams, and



<sup>1</sup> [www.gov.uk/government/publications/apprenticeships-evaluation-2017-learners-survey](http://www.gov.uk/government/publications/apprenticeships-evaluation-2017-learners-survey)





“ Union reps can discuss with employers how the English and maths learning opportunities have been arranged for apprentices and what the quality of provision is ”

potentially raise issues around ongoing support and time-off to study.

### Funding

In England the government funds the cost of English and maths taken up to Level 2 (where the apprentice has not already achieved that standard) as part of an approved apprenticeship standard.

Employers do not need to pay for English and maths classes up to Level 2 - the funding goes directly to the learning provider. The employer does, however, have to allow the apprentice time-off to study and sit exams.

If an apprenticeship standard requires the achievement of English or maths above Level 2, this must be funded from within

the funding allowed for the apprenticeship, or paid for by the employer.

### Reps' role

Union reps can discuss with employers:

- how the English and maths learning opportunities have been arranged for apprentices
- what the quality of provision is
- how any additional support needs will be accommodated
- any issues around time off to study.

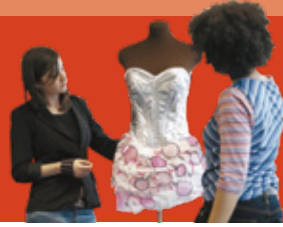
Note that existing staff who are signing up to apprenticeships will need to reach the required English and maths standards if they have not previously achieved them. This can be a sensitive issue for some workers, and needs to be addressed accordingly.

Also, where there are union learning reps or learning centres on site or nearby, these can be helpful if apprentices need additional support with their English and maths learning.

Unionlearn has published a guide to resources that reps can use to support learners develop their English and maths skills [www.unionlearn.org.uk/english-and-maths-learning-resources-and-tools](http://www.unionlearn.org.uk/english-and-maths-learning-resources-and-tools).



# Standards and assessment



In the past, apprentices were covered by an apprenticeship framework, but most are moving to newly designed standards, which have been developed by groups of employers under the 'Trailblazer' process.

Apprenticeship frameworks, which are available in thirteen broad sector subject areas, will be phased-out by 2020. They are being replaced by apprenticeship standards, designed by 'trailblazer' groups of employers in a process that has been underway since October 2013, when the first eight trailblazers were launched. Trailblazers were established to give employers greater ownership of the apprenticeship system and ensure that apprenticeships meet the needs of businesses and the wider sector. As of January 2018 there were 530 standards, either approved for delivery or under

development, on the Institute for Apprenticeships website.

It's important for unions to be involved in the trailblazer process, because they have first-hand knowledge and understanding of the workplace context. Unions can help ensure that designed standard will enable an apprentice to progress and develop high quality skills.

For example, Unite was heavily involved in developing a Trailblazer standard in the print sector<sup>1</sup>. This ensured that apprenticeships included rigorous training standards and relevant qualifications for

“Trailblazers were established to give employers greater ownership of the apprenticeship system and ensure that apprenticeships meet the needs of businesses and the wider sector”

## Trailblazer process



<sup>1</sup> [www.unitetheunion.org/news/unite-develops-apprenticeships-to-secure-paper-and-print-industry](http://www.unitetheunion.org/news/unite-develops-apprenticeships-to-secure-paper-and-print-industry)

apprentices. Unions were able to represent the sector's workforce, ensuring that new entrants and existing staff could receive a quality, skilled apprenticeship.

The government has published guidance on trailblazers<sup>2</sup> and a tool for finding approved standards<sup>3</sup>.

### **End-point assessment**

One way standards differ significantly from frameworks is that the apprentice must undergo an end-point assessment in order to complete their apprenticeship. This is an 'assessment of the knowledge, skills and behaviours that have been learnt throughout the apprenticeship.

The purpose of the assessment is to make sure the apprentice meets the standard set by employers and are fully competent in the occupation'<sup>4</sup>. It must be carried out by an approved organisation that is independent of both the employer and the learning provider. The costs for this assessment must come out of the overall funding allowed for the apprenticeship standard, or be borne by the employer. The form of end-point assessments can vary and is specified in the assessment plan for each standard.



“ Degree apprenticeships at Levels 6-7, combine university education and work experience ”

<sup>2</sup>[www.instituteforapprenticeships.org/developing-apprenticeships/how-to-develop-an-apprenticeship-standard-guide-for-trailblazers](http://www.instituteforapprenticeships.org/developing-apprenticeships/how-to-develop-an-apprenticeship-standard-guide-for-trailblazers)

<sup>3</sup><http://findapprenticeshiptraining.sfa.bis.gov.uk>

<sup>4</sup><http://futureapprenticeships.org.uk/end-point-assessment/>



## Apprenticeship levels

Apprenticeships can be studied at different levels:

- ➔ Intermediate apprenticeships are at Level 2, equivalent to 5 GCSE passes.
- ➔ Advanced apprenticeships are at Level 3, equivalent to 2 A-Level passes.
- ➔ Higher and Degree apprenticeships are at Level 4 and above.

Degree apprenticeships at Levels 6-7, combine university education and work experience. These are part of the Higher apprenticeship programme, but differ from Higher apprenticeships (Levels 4-7) in that they entitle apprentices to achieve a full bachelor's or master's degree. In other respects, they are similar to other apprenticeship programme: apprentices earn a salary and gain experience in a relevant workplace.

# Traineeships and pre-apprenticeships



Traineeships are education and training programmes with work experience. They aim to help young people (16- to 24-year-olds) who don't yet have the appropriate skills or experience, progress to a job, an apprenticeship or further training. The government began funding traineeships in 2013.

A traineeship programme should provide high-quality, meaningful work experience; focused periods of work preparation, including employability and personal development skills; and must include learning English and maths (if the trainee is not already qualified to Level 2).

## **Safeguarding against exploitation**

Traineeships are not subject to the minimum wage – in fact, employers are not legally required to pay trainees at all. Clearly, this potentially leaves trainees vulnerable to exploitation. The Government's evaluation of the traineeship initiative does not comment on whether trainees were paid or not. And, although it reports that the majority of trainees were satisfied with the trainee experience, one third of those who had been on traineeships were no longer either in employment, on an apprenticeship or other education<sup>1</sup>.

“Traineeships aim to help young people (16- to 24-year-olds) who don't yet have the appropriate skills or experience, progress to a job, an apprenticeship or further training”

## **The union agenda**

Good traineeship programmes can offer genuine opportunities for young people to gain valuable skills and work experience in a specific employer or sector. They can help businesses plan for succession and develop the next generation of skilled workers – and the next generation of union members, too.

On the other hand, unions must ensure that traineeships in their workplaces are not exploitative and are not used as a means of undercutting union-negotiated rates of pay, or displacing permanent jobs. Where unions have been involved in traineeships, they have added significant value to the programme.

## **Negotiating a traineeship agreement**

If unions or employers want to introduce a traineeship programme to the workplace, a collective agreement is the best way to proceed. The agreement can ensure:

- ➔ The traineeship is genuinely developmental. Using a quality learning provider and creating a structured programme including work placements, coaching, off-the-job training, English and maths learning etc. can help to ensure this. There should also be a mechanism for regular feedback on the trainee's progress, mentoring, and some form

<sup>1</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/626792/Traineeships\\_Year\\_Two\\_Process\\_Evaluation.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/626792/Traineeships_Year_Two_Process_Evaluation.pdf)

of recognition of their achievements (e.g. a completion certificate). Setting a maximum of six weeks' duration on a traineeship will help to ensure that it is genuinely developmental.

- Equality of opportunity is embedded in the traineeship. There should be wide access to the scheme, young people should be able to complete their traineeship without fear of discrimination or harassment, and trainees with additional support needs

should be accommodated. (See also *Widening access* sheet.)

- All aspects of trainees' health, safety and welfare are safeguarded. (See also *Health and safety* sheet.)
- The trainee is financially supported. We would want trainees to be paid for any work they undertake, ideally at the rate for the job. Help with travel and subsistence expenses could also be negotiated.







“ Unions can encourage employers to offer supported internships, and will want to ensure that interns are supported to get the most from the programme ”

- The traineeship includes education on rights at work. Trainees should be introduced to the union(s) on site, gain an insight into the role of unions in the workplace and the right to join a union.
- The traineeship leads to positive outcomes. Trainees should get a guaranteed interview for employment or an apprenticeship on completion, and an employment reference. The traineeship programme should include careers guidance, CV-building and interview skills.

The TUC has developed a Traineeships Charter to help reps and officers who become involved with traineeships: [www.unionlearn.org.uk/publications/tuc-model-traineeships-charter-%E2%80%93-guidance-union-representatives](http://www.unionlearn.org.uk/publications/tuc-model-traineeships-charter-%E2%80%93-guidance-union-representatives)

## Supported internships

For young people aged 16-24 who have a Statement of Educational Needs or an Education, Health and Care Plan, and need extra support to move into employment, a supported internship may be appropriate. These require a partnership between an employer, an education provider (usually an FE college) and the intern. They involve a work experience placement of at least six months, personal support from a job coach and a personalised study programme. Unions can encourage employers to offer supported internships, and will want to ensure that interns are supported to get the most from the programme. More details can be found at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620920/Supported\\_Internship\\_Guidance\\_updated\\_with\\_EFA\\_funding\\_advice\\_May\\_2017\\_2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620920/Supported_Internship_Guidance_updated_with_EFA_funding_advice_May_2017_2.pdf)

# Government minimum standards for apprenticeships



There are minimum standards that must be met by apprenticeship programmes.

The Institute of Apprenticeships has set basic requirements of apprenticeship programmes<sup>1</sup>. Unions are not specifically mentioned in the guidance, but negotiators will want to ensure that all parties are aware of the requirements.

Here is a summary of the Institute's guidance:

## An agreed partnership

An apprenticeship should be a partnership between employer, apprentice and training provider. Training providers have to be registered with the Employment and Skills Funding Agency<sup>2</sup> to deliver apprenticeships. Some larger employers have registered as providers in their own right. The partnership must be detailed in an Apprenticeship Agreement and Commitment Statement, signed by all three parties, which sets out the training programme and covers the points in this statement.

## Employment

The apprentice must have a contract, with at least statutory terms and conditions. The job role and training programme together must enable the apprentice to cover all the skills, knowledge and behaviours required

to complete the apprenticeship. The workplace should provide support and mentoring for the apprentice.

## Training

The programme must be delivered with the active involvement of the employer. It must stretch and challenge the apprentice, using a range of effective training methods for both on and off-the-job training. At least 20 per cent of training must be off-the-job.

The programme must last for a minimum of twelve months, and must develop not only the skills required to complete the apprenticeship, but transferable skills for employability.

## English and maths

Apprentices must reach the level of skills in English and maths required by the framework or standard (see *English and maths* sheet)

## End-point assessment

Apprentices working on standards-based programmes are subject to final assessment by an independent, registered assessment organisation. The form the



<sup>1</sup> [www.instituteforapprenticeships.org/quality/what-is-a-quality-apprenticeship](http://www.instituteforapprenticeships.org/quality/what-is-a-quality-apprenticeship)

<sup>2</sup> <http://roatp.apprenticeships.sfa.bis.gov.uk/download/>



“ The programme must last for a minimum of twelve months, and must develop not only the skills required to complete the apprenticeship, but transferable skills for employability ”

assessment will take is detailed in the standard, and should be noted in the Apprenticeship Agreement / Commitment Statement. Only once the end-point assessment has been successfully completed will the Institute issue the Apprenticeship Certificate.

The TUC has published an Apprenticeship Charter that sets out the key principles of a high-quality apprenticeship programme. See the following Factsheet (12) for this or your union's own version.



# Apprenticeships – a negotiating issue for GMB



**T**his TUC guide on apprentices is an excellent resource that officers and reps alike should find invaluable.

Apprenticeships are here to stay and are a trade union issue. We need to ensure that we negotiate apprenticeship schemes that are good for apprentices, existing employees and GMB. The introduction of the Apprentice Levy in April 2017 has meant that employers are now more focused on apprentice schemes than ever before.

And it's not just about employers taking on young workers to be trained as apprentices in the traditional way. Employers are already using apprentice schemes to train existing employees.

GMB needs to be on the front foot ensuring that apprenticeships are on the negotiating agenda with employers. At the very least, we want to ensure that the following applies:

**1.** Employers should not reduce their existing learning and development budgets to pay for the apprentice levy.

**2.** Where employers are putting existing staff onto apprenticeship schemes that there are fair and open selection processes and that staff are paid appropriately.

**3.** Apprentices get the best possible pay and other terms and conditions of employment (and that this is included in existing bargaining arrangements).

**4.** Training and development is of a high standard.

**5.** Apprentices are properly supported and have access to a mentor and their GMB Workplace Organiser.

**6.** Apprentices do not displace other employees.

**7.** Effective measures are in place for the health and safety of apprentices.

**8.** Apprentices have the opportunity to move into permanent work at the end of the apprenticeships.

**9.** GMB is recognised as the union for apprentices and we have access to apprentices when they first start their placement.

**10.** All legal minimum standards are adhered to and are the subject of scrutiny by GMB.





“ Employers in England can claim back their levy payments to pay for the training costs associated with providing apprentice schemes. ”

The TUC Apprenticeships Toolkit builds on these principles and provides further guidance. When using the guide, please note that the arrangements described in chapter 2 about accessing levy contributions applies to England only.

If no dialogue between the employer and GMB is currently taking place, it is important that it is raised as an industrial issue and put onto the negotiating and consultation agenda.

All employers across the UK with a paybill of more than £3m have to pay the Apprenticeship Levy. Employers in England can claim back their levy payments to pay for the training costs associated with providing apprentice schemes. Employers in Scotland, Wales and Northern Ireland all have to pay the levy (if the UK paybill is above £3m) but the arrangements are different than England with employers being able to access discounted apprentice schemes.



## Useful unionlearn resources

*Apprenticeships - a guide for union reps eNote*

[www.tuceducation.org.uk/enotes](http://www.tuceducation.org.uk/enotes)

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*Accessible apprenticeships - a TUC guide for trade union activists on bargaining for accessible apprenticeships for disabled workers*

[www.unionlearn.org.uk/publications/accessible-apprenticeships](http://www.unionlearn.org.uk/publications/accessible-apprenticeships)

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*Apprenticeships Know Your Rights eNote*

[www.unionlearn.org.uk/apprenticeship/knowyourrights](http://www.unionlearn.org.uk/apprenticeship/knowyourrights)

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*Your rights as an apprentice leaflet*

[www.unionlearn.org.uk/publications/your-rights-apprentice](http://www.unionlearn.org.uk/publications/your-rights-apprentice)

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*Apprenticeship Levy - 15 useful negotiating tips*

[www.unionlearn.org.uk/publications/apprenticeship-levy-15-useful-negotiating-tips](http://www.unionlearn.org.uk/publications/apprenticeship-levy-15-useful-negotiating-tips)

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**For more information about unionlearn's work on apprenticeships please email [uniolearn@tuc.org.uk](mailto:uniolearn@tuc.org.uk) or call 020 7467 1212**

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This title may also be made available, on request, in accessible electronic formats or in Braille, audiotape and large print, at no extra cost.

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