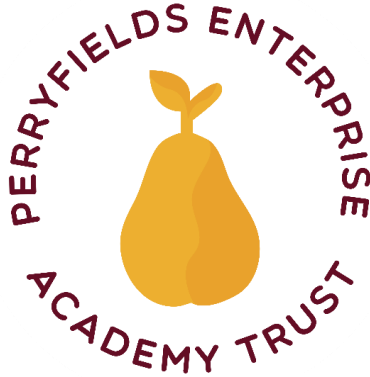


# Perryfields Enterprise Academy Trust

## Apprenticeship Guidance Policy



Perryfields Enterprise Academy Trust	
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## 1. Introduction

An Apprenticeship is a job that includes gaining recognised qualifications and essential skills working with experienced colleagues, whilst working and earning a wage. Hiring an apprentice is a productive and effective way for schools to develop, motivate & retain current and future employees.

Apprenticeships should not be seen as cheap labour but an opportunity for schools to:

- Increase employee satisfaction
- Reduce staff turnover and increase employee retention
- Reduce recruitment costs
- Prepare for future skills gaps

## 2. Training Providers

An Apprenticeship is a tripartite relationship between an employer, a training provider and the Apprentice – although in some case the employer may also be an accredited training provider.

The Apprentice may apply through a national or local scheme may approach a training provider for an Apprenticeship or may apply for an advertised Apprenticeship post. In any case the three parties will work together to arrange the apprenticeship programme. Apprentices must spend at least 20% of their contracted time on off-the-job- training and this will form part of the programme agreed with the provider. This time does not have to be one day per week – it can be spread across days or in blocks.

The link below provides details of training providers in your area.

<https://findapprenticeshiptraining.sfa.bis.gov.uk/>

There should normally be a written agreement between the employer and the training provider setting out the responsibilities and duties of each partner, including measures and deadlines that will be followed ([see section 4](#))

## 3. Funding & the Apprenticeship Levy

From April 2017 the government changed the way it funds apprenticeships in England. Employers that meet specific conditions (see below) will be required to contribute to the apprenticeship levy.

The target that has been set for those that the levy applies to is to employ an average of at least 2.3% of their headcount as new apprentices between April 2017 and March 2021. The levy will apply to a school & academy if your annual pay bill is over 3 million; this is charged at a rate of 0.5% of the annual pay bill. There is an annual levy allowance of £15,000 that can be offset against the levy liability. For a more detailed explanation please visit: <https://www.gov.uk/government/publications/a-guide-to-apprenticeships-for-the-school-workforce>

### 3.1 Central Payment Schools

Central payment schools form part of Essex County Councils levy pot and you will have received a communication from Adult Community Learning on how to access the levy and programmes available to utilise it.

### 3.2 Local Bank Account Schools & Academies

Local bank schools & academies will have their own individual levy accounts.

If you are an academy that is part of a trust then the trust will be responsible for the levy fund and payment.

If you haven't registered for an account to manage your funds then you can do this via: <https://manage-apprenticeships.service.gov.uk/>

### **3.3 Where to go for support and guidance in ECC**

If you are a **school** that needs support or guidance with accessing the fund or how to spend the fund then you can contact Amanda Rawlings who is the lead officer for ECC via email on: [amanda.rawlings2@essex.gov.uk](mailto:amanda.rawlings2@essex.gov.uk)

Amanda Rawlings can only support academies with programmes available to utilise your fund and not with access to your funds.

### **3.4 Paying the levy fund**

For schools & academies that use Essex Payroll the deductions for the levy have already been set up to ensure compliance.

If you are not using Essex for payroll services then you must ensure that your payroll provider is making levy deductions if you meet the annual pay bill criteria.

### **3.5 What the fund can and cannot be spent on**

The fund **can** be used for current employees to upskill them, so are not just for new recruits.

The funds **cannot** be used to cover the cost of salary/wages. The school/academy must cover the cost of the apprentices wages themselves.

The funds **cannot** be used for travel and subsistence costs

The funds **cannot** be used for work placement programmes

The funds **cannot** be used for statutory licenses to practice

The funds **cannot** be used for traineeships

### **3.6 When will the funds expire from the levy account?**

Funds will expire 24 months after they are deposited into your levy account. The service that holds the account will automatically use funds that entered the account first to reduce the amount of funds that could expire. The account holder will be told in advance when the funds are due to expire. Further information can be found here:

<https://www.gov.uk/guidance/manage-apprenticeship-funds>

### **3.7 Apprenticeships relevant to Schools & Academies**

You can find out about the different apprenticeships that are relevant to a school setting via the below links:

<https://amazingapprenticeships.com/school-workforce/>

<http://www.aclessex.com/employers/>

<https://findapprenticeshiptraining.sfa.bis.gov.uk/>

## **4. Apprenticeship Agreements, Status and Terms & Conditions**

Under the Apprenticeships, Skills Children and Learning Act 2009, Apprentices must be engaged under what is called an Apprentice Agreement. This is similar to, but different from a normal Apprentice Employment contract. We advise that the latter should not be used\*.

In either case however, Apprentices are employees and are entitled to all general employment terms and conditions as set out below.

\*An Apprentice Contract has a specific meaning in law and entitles the Apprentice to additional rights and we recommend they should not be used. It is very difficult to terminate an Apprentice Contract before its stated end date – they cannot be made redundant and the threshold for a fair dismissal in misconduct cases is considerably higher than under other contracts. They may also receive higher levels of compensation if unfairly dismissed.

#### **4.1 Apprentice Agreements**

The requirements for and of an Apprentice Agreement are set out in the aforementioned Act.

This prescribes certain information which must be in writing - this includes all the normal requirements of contract of employment but also additional requirements such as a statement of the skill, trade or occupation for which the apprentice is being trained. An Apprenticeship Agreement and further particulars (part A & B) are available from the HR area of the EES for Schools website here

<http://www.eesforschools.org/HR/Recruitment/apprenticeships>

Further details of the contractual terms and conditions under an Apprenticeship Agreement are set out below

Apprentice Agreements are subject to normal employment law provisions.

#### **4.2 Status**

An Apprentice Agreement is by its very nature a limited time Agreement. It is an Agreement for work and training which ends when the training is complete and usually the qualification achieved. The end of the contract is a dismissal in law for “some other substantial reason” (unless terminated earlier for other reasons (see 4.9). If the contract is ending on the stated date at the end of the training programme, there is no requirement to provide notice as this has already been given in the Agreement. It is of course best practice to remind the Apprentice that the Agreement will end, (See also 4.10). There is no obligation to offer the Apprentice a permanent job at the end of the Apprenticeship Agreement but it is open to the employer to do so and clearly the purpose of Apprentices is to train individuals for full employment. If a permanent contract is offered, a new written contract will need to be issued for the relevant post. It is not good practice to engage a series of different Apprentices to a permanent post in your staffing structure.

#### **4.3 Pre-employment checks**

Apprentices will be subject to the same pre-employment checks as other newly appointed school staff.

#### **4.4 Terms and Conditions**

Apprentices should be employed on the terms and conditions which normally apply for the role they are undertaking. Any specific terms are set out below.

#### **4.5 Rate of Pay**

##### Support Staff Apprentices

The national minimum wage for apprentices are usually updated every October. This rate applies to apprentices aged 16 to 18 and those aged 19 who are in their first year of Apprenticeship. Apprentices aged 19 in their second or subsequent year and those aged 20 and over are entitled to the National Minimum Wage for their age.

For the up to date rates, visit <https://www.gov.uk/national-minimum-wage-rates>.

### Teacher Apprentices

Postgraduate teacher apprentices in **maintained schools** must be paid on at least the minimum of the unqualified teacher scale for the period of their training.

**Academies & Free schools** have the flexibility to adopt their own pay arrangements but these must be clearly advertised to the apprentice before they apply. We imagine most will pay on the unqualified teacher scale.

Postgraduate teacher apprentices should be paid as full time teachers.

## **4.6 Working Hours**

### Support Staff Apprentices

Apprentices should be engaged for at least 30 hours per week, except in the minority of circumstances where the apprentice cannot complete the full 30 hours. In these cases, employment must be for more than 16 hours per week. Working hours and flexibility around lunch and other breaks should be agreed locally between the apprentice and the line manager. Apprentices should be released for their formal training within these contracted hours.

The general expectation is that Apprentices are employed all year round, but the nature of work in schools precludes this in most cases. There is limited national or governmental guidance on this issue and we believe it is acceptable to offer Apprentice Agreements on a term time only basis (plus annual leave, see below).

### Teacher Apprentices

Postgraduate teacher apprentices must be released for study for at least 20% of their timetable and this will be agreed between the provider and the school beforehand.

## **4.7 Annual Leave**

Apprentices are entitled to the normal conditions of the post in respect of annual leave where applicable. Annual leave should be pro-rated in the same way as for other support staff according to hours and weeks worked.

## **4.8 Sick Pay, Maternity Pay etc.**

Apprentices are entitled to the normal conditions of the post in respect of sickness, maternity and other leave entitlements subject to the normal pay and length of service criteria. Apprentices will not receive Statutory Pay (eg Sick Pay (SSP), Statutory Maternity Pay (SMP)) if their earnings are below the lower earnings limit. The apprentice is responsible for notifying their line manager and training provider in accordance with the schools policies on such matters.

## **4.9 Performance and Conduct**

The very nature of an apprenticeship means that the Apprentice will be learning on the job and through their study and will take time to fully reach the required standards of performance. Their performance will be monitored, assessed and supported in accordance with the learning agreement,

Apprentices are not therefore subject to probationary periods and would not usually be subject to capability procedures unless they prove to be grossly incompetent and/or

consistently fail to meet the expectation of the programme of study (eg through non-attendance at training, failure to complete assignments, failure to pass assessments etc). In such cases the Agreement and Contract may be terminated. Prior to any action being taken, the employer must consult with the Learning Provider and a fair dismissal process must be followed.

Apprentices are subject to other school policies and procedures include the Code of Conduct and Disciplinary rules and procedures and any breaches of said procedures could result in disciplinary action, including potential dismissal.

Absence should be managed in accordance with employers' leave of absence and sickness absence procedures.

#### **4.10 Notice**

Apprentices are on fixed term contracts and the contract will terminate at the end of the fixed term without the requirement for a further notice period.

For support staff apprentices, should the contract be terminated earlier (see 4.9), statutory notice will apply.

For teacher apprentices in maintained school, normal notice requirements apply (ie teachers' conditions). Academies could apply normal conditions, or if they have opted out of Burgundy Book conditions, could apply statutory notice provisions and will need to amend the written particulars accordingly.

### **5. Further information & DFE guidance**

<https://www.gov.uk/topic/further-education-skills/apprenticeships>

[A guide to apprenticeships for the school workforce](#)

<https://www.gov.uk/guidance/postgraduate-teaching-apprenticeships-guidance-for-providers>

<https://www.gov.uk/government/publications/initial-teacher-training-criteria>

<https://www.gov.uk/government/publications/apprenticeships-off-the-job-training>