

Apprenticeship Policy

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1. Policy Statement

- 1.1. Staffordshire and Stoke on Trent ICB (hereafter referred to as the ICB) is supportive in its approach to providing opportunities for apprentices.
- 1.2. Apprenticeships can form part of a career development and progression route for both new recruits and our existing workforce in order to learn new skills and gain qualifications.
- 1.3. We anticipate many benefits and opportunities both to individuals and the organisation through:
 - Giving existing colleagues the opportunity to develop new skills and gain qualifications, including higher (degree and masters level) apprenticeships
 - Attracting and retaining people from a more diverse background
 - Creating a pipeline of talent where we can embed our values and behaviours at the start of someone's career; and
 - Improving employment opportunities and supporting our corporate social responsibility
- 1.4. This policy framework underpins the implementation of our apprenticeships approach in the ICB.

2. Policy Principles

- 2.1. This policy and associated procedure seeks to support and inform the implementation of apprenticeship programmes in the ICB to meet our current and future workforce needs through:
 - Increasing take up of apprenticeships across the organisation
 - Building talent from within the organisation through the apprenticeship qualifications
 - Opening up development opportunities to a diverse population of people
 - Improving awareness of the value and benefits of apprenticeships
 - Improving the availability of information, advice and guidance about using apprenticeships, including; apprenticeship recruitment, employment rules/contracts and learning programmes
 - Supporting our Training and Development Policy by ensuring appropriate development is available for all our people.
- 2.2. It supports our commitment to attracting, developing and retaining talented high quality employees, through investment in developing their skills and capabilities, ongoing personal and professional development and the opportunity to gain professional qualifications.
- 2.3. It outlines a route to apprenticeships for both new and existing employees and what they can expect from the ICB to enable them to maximise their contribution to the organisation's success, and equip them with the necessary skills and knowledge they need to achieve excellence in their work.

3. Scope of policy

- 3.1. This Policy applies to all ICB employees.

4. Roles and responsibilities

4.1. Apprentices will:

- Sign an Apprenticeship Agreement upon commencement of their apprenticeship. The agreement sets out the arrangements between the apprentice and the employer. Part of this agreement may require the apprentice to agree to pay back part of their course fees if they do not complete their study. This will be assessed on a case by case basis
- Ensure that all aspects of their job description are fulfilled and comply with ICB policies and procedures, their apprenticeship agreement and act in accordance with our values and behaviours
- Ensure they complete their study within the timeframe provided by the apprenticeship provider
- Agree with their line manager and apprenticeship provider scheduled visits to the workplace, exam dates and any other times they are required to undertake structured study, so that their absence from the workplace can be managed effectively
- Ensure they are available for review meetings with their line manager and communicate any change in circumstances that may affect the completion of the apprenticeship
- Complete all elements of the apprenticeship. This includes all newly recruited apprentices, existing members of staff and those recruited into an apprenticeship post who then move into a subsequent role whilst still completing their apprenticeship. If an apprentice wishes to discontinue or suspend their study they will discuss this with their line manager who, in conjunction with HR, will assess each case and agree a course of action
- Complete assignments and other work in a timely fashion in relation to apprenticeship provider requirements for completing the academic element of the apprenticeship
- Meet the assessment or examination requirements at the agreed level as set out in their apprenticeship learning agreement
- Use their protected study time appropriately; otherwise their line manager may use supportive or corrective action in accordance with ICB HR policies.

4.2. Line managers will:

- Manage the apprentice in line with ICB policies and procedures, formal Apprenticeship Agreement, Commitment Statement and contract of employment
- Ensure that any apprentice vacancies are recruited to in line with the apprentice guidance on the NHS Jobs/TRAC system and are advertised on the National Apprenticeship Service website

- Arrange for a local induction to be completed for newly recruited apprentices
- Oversee work and responsibilities to provide a positive learning experience for the apprentice, to develop their skills and experience and support them to achieve their apprenticeship
- Ensure that apprentices aged 16-18 (Young Workers) are appropriately supervised to work a maximum of 37.5 hours per week and work a maximum of 8 hours in a day. Young workers are not eligible to work after 11pm at night and will have a minimum of 36 consecutive hours break in a seven day period
- Identify a mentor from within the ICB, who will receive appropriate learning and development themselves, in order for them to support the apprentice
- Manage their apprentice appropriately to progress their learning, undertaking risk assessments where necessary and take into account the knowledge, skill, capability and understanding of the apprentice
- Make sure the apprentice spends at least 20% of their time on 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 the apprenticeship. This can include training that is delivered at the apprentice's normal place of work but must not be delivered as part of their normal working duties
- Assume responsibility, together with the apprenticeship training provider on how the off-the-job training is delivered - this may include regular day release, block release and special training days/workshops
- The off-the-job training must be directly relevant to the apprenticeship framework or standard and could include:
 - the teaching of theory (for example: lectures, role playing, simulation exercises, online learning or manufacturer training);
 - practical training: shadowing; mentoring; industry visits and attendance at competitions; and
 - learning support and time spent writing assessments/assignments.
- Liaise with the apprenticeship training provider to ensure that the apprentice receives appropriate learning and work related support
- Ensure the apprentice is given time to attend specific training as part of the apprenticeship, including releasing them for classroom study, observations, assessments and exams
- Alert and discuss with HR should an apprentice be unable to complete any of the academic or work-based components of their apprenticeship programme
- Inform HR and seek appropriate advice if there are any competence, performance or other issues that arise during the apprenticeship contract
- Towards the end of their programme, where the apprentice is not in a permanent role, support the apprentice to look for a subsequent role and support reasonable time off for interviews.

4.3 Apprenticeship Training Providers

The ICB will work with a number of approved training providers who will provide access to a range of apprenticeships. The Apprenticeship Training Providers will:

- Be accountable for providing timely and relevant training and support in relation to the qualification the apprentice will undertake
- Provide support to apprentices, line managers and mentors to ensure successful completion of apprenticeships
- Work with the ICB to promote apprenticeship opportunities within the organisation and advise on funding mechanisms
- Advise on the most appropriate type of apprenticeships for a role and keep the organisation up to date with developments in qualifications
- Provide high quality learning provision that delivers timely and relevant qualifications relating to the apprenticeship framework or standard
- Maintain regular contact with the organisation, the apprentice and their manager so that progress can be tracked, and concerns are dealt with efficiently and effectively
- Ensure compliance with General Data Protection Regulations and Information Governance Legislation to protect staff members.

4.4 HR will:

- Assist line managers with the identification of posts which are suitable for an apprenticeship programme and the development of learning and career frameworks
- Liaise with the National Apprenticeship Service and recognised trade unions to maintain compliance with current legislation and guidelines relating to apprenticeships
- With support of the Skills Funding Agency, maintain up-to-date information on relevant employment law concerning apprenticeships
- Update and maintain policy and documents, ensuring procedures are compliant with ICB policy.

4.5 Mentors:

- Mentors are suitable members of staff who are identified by line managers to support the apprentice's progression. Mentors will be provided with support (including appropriate learning and development and/or guidance to conduct this role) and they will set aside time to support, encourage and advise apprentices.

5. Monitoring Compliance

- 5.1. HR will request and use data from our ESR system, business areas and also from apprenticeship learning providers to monitor the number, location and type of apprentice starts across the organisation in order to show organisational compliance.
- 5.2. Evaluation of apprenticeships, including the performance of apprenticeship providers, will be undertaken to ensure their effectiveness within the organisation, including monitoring and measurement of completion and retention rates and OFSTED ratings.
- 5.3 The Specification of Apprenticeship Standards for England (SASE) sets out the minimum requirements for an apprenticeship framework by level. The apprenticeship quality statement describes the standards, including; the

minimum hours of employment for apprentices, duration of the apprenticeship, English and maths requirements and new learning and skills expectations. [Ofsted](#) is responsible for the external quality assessment of government-funded training, which includes apprenticeships.

- 5.4. Apprenticeships will be reflected in any local workforce and Organisation Development Plans and Learning and Development strategies where available.

6. Apprenticeship Procedure

- 6.1 Apprenticeships are structured, work-based learning programmes that lead to a recognised qualification. Learning support is provided by a registered apprenticeship training provider that has been pre-approved by the ICB. Further information on apprenticeships, can be found on the Government '[Employers – Apprenticeships](#)' website is also a useful resource for more generic information on apprenticeships.
- 6.2 The ICB pays an apprenticeship levy to HMRC which is transferred to our apprenticeship service account; monies in the account can only be used to cover the training and assessment components of an apprenticeship and only through an approved apprenticeship training provider. Salary, expenses and other costs for apprenticeships are not eligible.

6.3 Underpinning Principles

- 6.3.1. This procedure refers to apprenticeships, which can be defined as 'a study programme which includes a package of qualifications that is delivered consistently and to an agreed level, known as an Apprenticeship framework or standard.
- 6.3.2. An apprentice can be defined as an individual who is recruited to an apprenticeship post and paid as an apprentice OR an existing member of staff who is undertaking an apprenticeship qualification.
- 6.3.3. Apprenticeships are structured, work-based learning programmes. An apprentice must spend at least 20% of their time on 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 the apprenticeship.
- 6.3.4 Line managers will also need to agree a learning plan with their apprentice and ensure this is maintained and that there are targets and checks in place to ensure the apprentice is supported and making progress.
- 6.3.5 As the apprentice will need to complete a specific and protected number of learning hours as part of their apprenticeship, it would be reasonable for a line manager to refuse annual leave requests during any periods of learning, unless there are exceptional circumstances.

7 Apprenticeship Processes

7.1. Recruiting new Apprentices

- 7.1.1. Line managers are responsible for sourcing funding for the apprenticeship salary with agreement from their budget holder. The ICB also pay the required Apprenticeship levy due to the organisations size. The contributions are paid into an account and provide funds to spend on training with approved providers. Line Managers should liaise with the Governance Team when recruiting new apprentices to ensure a link with the ICB Apprenticeship Levy.
- 7.1.2. **Internal** employees who wish to sign up to start an apprenticeship should be identified by their line manager as part of their Performance Development Review (PDR) process and both parties should ensure they understand both the apprenticeship rules and their responsibilities by referring to these documents
- 7.1.3. **External** applicants are recruited into new apprenticeship posts on merit and on the basis of fair and open competition in line with the ICB Recruitment and Selection Policy. Vacancies are advertised on the NHS jobs website and the Government's [Apprenticeships website](#) to attract a wide and diverse range of suitable candidates.
- 7.1.4. Short listed candidates will be invited to a minimum of a competence based interview based on the job description and person specification. Interview questions should be inclusive, recognising, where appropriate, the individual's potential limited experience in the workplace. Information from approved apprenticeship providers can assist with this.
- 7.1.5. Delays in starting the apprenticeship programme may result in a need to extend the apprenticeship contract to meet the minimum time requirements as set out by the Skills Funding Agency.
- 7.1.6. Further information on terms and conditions of employment is at Section 11, Appendix 1.

7.2. Apprenticeship Training Providers

- 7.2.1 Training providers should be approved by the National Apprenticeship Service as recognised providers of the apprenticeship qualifications that we offer.

7.3. Managing Apprentices

- 7.3.1. Line managers must ensure apprentices are employed and managed in line with ICB HR policies. There are also certain additional contractual requirements that must be considered, see Section 7.4 below.

7.4. Contract of Employment

- 7.4.1. **Existing** employees who commence an internal apprenticeship will continue in employment with the ICB during and after their apprenticeship, or if employed on a fixed term contract, until the end of that contract. Their continuity of service will continue to accrue and their pay will not be affected.
- 7.4.2. As part of the recruitment process, an apprenticeship agreement¹ will be issued to the employee, setting out the requirements of the apprenticeship. Both the apprentice and their line manager must sign this agreement to ensure there is mutual understanding about how the apprenticeship will work and their respective obligations.
- 7.4.3. **Externally** recruited apprentices appointed to the ICB will be employed under a '**limited term contract**', which is **not** legally defined as a fixed term appointment.
- 7.4.4. The length of the limited term contract must be sufficient to allow the apprentice to complete their apprenticeship. Guidance on the expected duration of an apprenticeship is available in the relevant apprenticeship framework or standard or through the apprenticeship learning provider.
- 7.4.5. If an individual on an apprenticeship limited term contract ends their study at any point during their apprenticeship contract, then the contract between the apprentice and the organisation will be terminated and the line manager must be informed immediately so the reasons for ending the study can be determined and any appropriate action taken.
- 7.4.6. There is no legal requirement to provide employment to externally recruited apprentices at the end of the limited term contract and this decision should be based on local business needs.
- 7.4.7. The decision on whether to employ an external apprentice at the end of the apprenticeship is subject to local agreement, based on business needs.
- 7.4.8. ICB recruitment and selection procedures will be adopted in relation to the appointment of all externally recruited apprentices.

7.5. Pay (externally recruited employees)

- 7.5.1. We are committed to providing employment opportunities through apprenticeships and good workforce planning. The apprentice programme should not be seen as cheap labour.
- 7.5.2. The organisation would like to attract and retain the best possible candidates, while recognising the learning aspects of an apprenticeship. ICB policy is to recruit individuals on a training contract and pay in accordance with [Agenda for Change \(AfC\) Annex 21](#). AfC Annex 21 is a

¹ The Apprenticeships (Form of Apprenticeship Agreement) Regulations 2012 sets out the "prescribed form" of the apprenticeship agreement

specific provision for people on training programmes. This is a salary rate ranging between 60%-75% of the top of the pay band for that role depending on the term of the apprenticeship:

- Up to 12 months prior to completion of training: 75 per cent of the pay band maximum of the fully qualified rate;
- More than one but less than two years prior to completion of training: 70 per cent of the pay band maximum of the qualified rate;
- More than two but less than three years prior to completion of training: 65 per cent of the pay band maximum for the qualified rate;
- More than three years from completion of training: 60 per cent of the pay band maximum for the qualified rate.

7.5.3. At the end of the apprenticeship, if the apprentice is appointed into a permanent or longer term fixed term appointment, their salary will rise to the minimum of the relevant pay band to recognise that their training period is over.

7.5.4. Pay scales may differ when recruiting apprentices into specialist/professional posts. Please refer to your local HR Business Partner.

7.6. Pay (existing employees)

7.6.1. **Existing** employees who undertake an apprenticeship whilst in their substantive post will continue to be remunerated on their existing terms and conditions, incremental progression will not be affected.

7.6.2. Existing employees who apply for and secure an apprenticeship position at a higher grade will be seconded to the position for the duration of the apprenticeship and be paid using AfC Annex 21 if this results in the same, or higher level of salary than they are currently receiving.

7.7. Change of Job Role

During the term of the apprenticeship, an individual may secure a new position elsewhere within the organisation. In this instance, the apprenticeship qualification may be continued if the new job role has a similar function and duties that allows on-the-job assessment to take place. The training provider will be able to provide advice as to the suitability of the apprenticeship for the new post.

8. Completing an Apprenticeship

8.1. Types of Apprenticeship Qualifications

8.1.1. There are currently two types of apprenticeship qualification; Frameworks and Standards. Frameworks are being phased out over time to be replaced by Standards which offer a range of qualifications at a higher level, are more industry / role specific and are assessed in a different way.

- 8.1.2. Each type of qualification takes at least 12 months to complete, and in the case of higher level qualifications, may be up to 4 years. The end date is agreed at the beginning of the apprenticeship.
- 8.1.3. Frameworks are formally assessed throughout the term of the qualification through assignments and on-the-job assessment by a qualified assessor.
- 8.1.4. Standards are formally assessed at the end of the apprenticeship through an end point assessment, although regular review meetings are required to ensure the learner is on track. The format and requirements of the end point assessment differ according to the level and type of qualification undertaken.

8.2. Failure to Achieve an Apprenticeship

- 8.2.1. Line managers and the apprenticeship training provider will fully support and encourage apprentices to fulfil the learning and development requirements of the apprenticeship in order to maximise their chance of success. Throughout the course of the apprenticeship, progress reviews and reports by the provider will highlight any remedial action that needs to be taken to avoid any failures. However, with both Frameworks and Standards, there is always the possibility that the apprentice could fail to achieve their intended qualification.
- 8.2.2. All apprenticeships must have clear objectives, goals and timescales agreed in order to meet the standards required and ensure progress in on track.
- 8.2.3. Any concerns regarding progress whether raised by the apprentice, their line manager or the provider must be rapidly highlighted, discussed and clearly documented, so remedial action can be taken where necessary.
- 8.2.4. Any re-takes to assessed learning and extensions to the apprenticeship to cover this are at the line manager's discretion, having first taken advice from the learning provider regarding the likelihood of future success. As a guiding principle, if future success is deemed likely, a retake and / or reasonable extension for completion should be considered.
- 8.2.5. If, following retakes and having received support to complete their apprenticeship, an apprentice fails this should be discussed in detail with the apprentice, line manager and the apprenticeship training provider. The outcome of this discussion is to give clarity about the next steps for the individual, particularly as there is no legal requirement to provide employment for those employed on a **limited term contract** at the end of their apprenticeship. For existing employees who were already on a **permanent** or **fixed term** contract, they will remain in post on the same terms and conditions of employment.
- 8.2.6. Line managers should fully support and encourage apprentices to fulfil their learning and development requirements and work duties. If there are capability, performance or conduct issues with an apprentice, the

relevant HR Policies must be applied and the training provider notified of the situation.

8.3. Successful End of an Apprenticeship

- 8.3.1. When an existing employee who was already employed on a **permanent** contract completes an apprenticeship, they remain in their post with the same terms and conditions of employment.
- 8.3.2. For existing employees who were already employed on a **fixed term** contract, they will remain in post for the duration of their existing contract, having completed their apprenticeship. Their terms and conditions of employment remain the same as they would have been had they not undertaken an apprenticeship.
- 8.3.3. New apprentices will normally be employed under a **limited term contract**. This is similar to a fixed term contract, however, the defined end date is the end of the apprenticeship rather than a fixed point in time. This is to take into account that the apprenticeship may take longer or shorter than planned. The apprentice may need additional time to retake assessments where applicable and so may extend their contract term. There is no legal requirement to provide employment at the end of a limited term contract, with their contract ending at the agreed point.
- 8.3.4. At the **end of the apprenticeship**, managers may wish to consider creating a vacancy at the appropriate band, subject to business need and in discussion with the budget holder, thus creating a pipeline of new talent into the organisation. The apprentice will need to apply for any internal and external ICB vacancies on merit and on the basis of fair and open competition.
- 8.3.5. Line managers should discuss career aspirations and further development opportunities as part of PDR conversations to build on the successful completion of an apprenticeship.

8.4. Resignation of an Apprentice

- 8.4.1. If an apprentice resigns, they need to fulfil the notice period specified in their contract.
- 8.4.2. Line managers should try to establish the reason for the resignation and ensure that they have provided an appropriate level of support.
- 8.4.3. Exit interviews should be held to learn any lessons from the resignation and where applicable the results of these fed back to HR & the Governance Team in order to improve the apprenticeship scheme.
- 8.4.4. As covered by the Learning and Development Procedure, line managers may wish to consider recouping some, or all, of the costs of the apprenticeship training which may be forfeited due to the resignation of the apprentice in line with the Learning & Development Policy for professional qualifications.

8.5. Dismissal of an Externally Recruited Apprentice

- 8.5.1. An apprenticeship guarantees learning and employment for the duration of their contract of employment. The contract **cannot** be terminated early just by giving notice to the apprentice.
- 8.5.2. Line managers should fully support and encourage apprentices to fulfil their learning and development requirements and work duties. If there are capability, performance or conduct issues with an apprentice the relevant HR Policies must be applied.

8.6. Redundancy of Externally Recruited Apprentices

- 8.6.1. Apprentices are on a training contract and therefore should not be included in any redundancy pool. They can only be made redundant in the case of business closure.

9. Guidance on Apprenticeships

- 9.1. Line Managers who are looking to take on a new apprentice should first read this Policy & Procedure, and the supporting guidance available. Supporting guidance will be updated on a regular basis and supported by communications to highlight any updates to process and procedure.
- 9.2. Once you have decided on the type and level of apprenticeship you require, you should liaise with the Head of HR to discuss and the preferred training provider who will advise you on next steps.
- 9.3. Advice from providers will include information on the most appropriate apprenticeship level, framework or standard for the role you have in mind, and if that role or potential apprentice is suitable and eligible.
- 9.4. Providers will also assist line managers with the recruitment process, including; wording job descriptions and person specifications to attract the right candidate and advertisement on relevant apprenticeship recruitment sites.
- 9.5. Throughout the apprenticeship programme there are regular reviews between the line manager and the apprenticeship provider. Where the apprentice is on a **limited or fixed term** appointment, reviews will include a discussion about progression opportunities and coaching to support the provision of essential skills to enable the apprentice to excel at interviews and increase their opportunity of securing a subsequent role.

10. Equality Impact Assessment

- 10.1. This document supports the ICB's commitment to create a positive culture of respect for all employees and service users. The intention is to identify, remove or minimise discriminatory practice in relation to the protected characteristics (race, disability, gender, sexual orientation, age, religious or other belief, marriage and civil partnership, gender reassignment and pregnancy and maternity), as well as to promote positive practice and value the diversity of all individuals and communities.

Appendix 1: Terms and Conditions of Employment

Apprentices appointed into the organisation will usually have 'employed' status (This is with the exception of apprentices who are employed by an external Apprenticeship Training Agency (ATA) and hosted in ICB whilst completing their qualification). All employed apprentices are covered by ICB terms and conditions contained in their relevant contract of employment.

The same terms and conditions also apply to minors (apprentices aged 16-17) undertaking an apprenticeship. The only exception to this is that their working time is restricted; a minor cannot work more than **eight hours in one day or 37.5 hours in one week**.

Employment for all apprentices must be for a minimum of 30 hours per week, except in a 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. Time off for study or learning must be allowed during these hours and this will be agreed between the line manager and apprenticeship learning provider. Further details can be found at the [gov.uk](https://www.gov.uk) website.

Appendix 2 – Apprenticeship Agreement

Apprenticeship Agreement

Please complete this form in full, sign and return to the Head of HR

Apprentice name:

Skill, trade or occupation for which the apprentice is being trained:

Apprenticeship Qualification and Level:

Start date:

Estimated completion of learning date:

Apprentice:

Signed:

Date:

Line Manager:

Signed:

Date:

Position:

Further to the Apprenticeships (Form of Apprenticeship Agreement) Regulations² which came into force on 6th April 2012, an Apprenticeship Agreement is required at the commencement of an Apprenticeship for all new apprentices who start on or after that date.

² [Apprenticeships \(Form of Apprenticeship Agreement\) Regulations 2012](#)

The purpose of the Apprenticeship Agreement is to:

- ☐ Identify the skill, trade or occupation for which the apprentice is being trained; and
- ☐ Confirm the qualifying Apprenticeship framework that the apprentice is following.

The Apprenticeship Agreement is incorporated into and does not replace the written statement of particulars issued to the individual in accordance with the requirements of the Employment Rights Act 1996.

The Apprenticeship is to be treated as being a contract of service not a contract of Apprenticeship.