

# Apprenticeships Handbook for Employers

*“Datalaw have been by far the most supportive and innovative training providers we have ever worked with. Their team have truly gone the extra mile to ensure our trainees have the best learning experience possible.”*

Practice Manager, Berkson Family Law

# Contents

Contents & Introduction	03
The Basics	04
Support from Datalaw	05
The Apprenticeship Training Programme	06
Levels of Apprenticeships	08
Contracts of Employment/Apprenticeship Agreement	09
Legislation	10
Health & Safety	11
Safeguarding	12
Reviews	12
British Values	13
The Prevent Strategy	14
Options once the Apprenticeship has been completed	15
Datalaw Contacts	16
Useful internet sources of information	16

# Introduction

The purpose of this handbook is to provide employers with a brief overview of the legislative and practical requirements of employing and managing apprentices.

# The Basics

- Apprentices must be aged 16 or over - there is no upper age limit for apprenticeship training.
- Apprentices can be new or current employees.
- As the employer, you are responsible for paying your apprentice's wage and giving them their contract of employment. You must pay apprentices at least the Apprentice wage rate. Please see further information on Contracts of Employment on page 09.
- You must offer apprentices the same conditions as other employees working at similar grades or similar roles. This includes:
  - Paid Holidays
  - Sick Pay
  - Any benefits you offer such as childcare voucher schemes
  - Any support you offer such as coaching or mentoring
- You must pay your apprentice for time spent training or studying for their apprenticeship, whether while at work doing work with a training organisation. Please see further information on Off The Job Training on page 07.
- Apprenticeships must last for at least a year. They can last up to 5 years depending on the level the apprentice is studying.
- Apprentices must be employed in a real job that gives them the opportunity to gain the knowledge and skills they need to work in a particular industry and to pass their End Point Assessment (EPA). Please see further information on End Point Assessments on page 12.
- Apprentices must work towards an approved apprenticeship standard or framework. Please see further information on Frameworks and Standards on page 06.
- You must sign an apprenticeship agreement with your apprentice. Please see further information on Apprenticeship Agreements on page 09.
- You must also sign a commitment statement with your apprentice and the training organisation. Please see further information on Commitment Statements on page 09.
- A comprehensive Health & Safety induction should take place, as well as any Health & Safety training specific to your sector or organisation. Please see Health & Safety on page 11.

“Datalaw tracks my CPD also list of courses that I am undertaking have drop down list so I can easily see if all parts of the course been completed. I found the quiz especially helpful it is a great way to check your knowledge in a quick and fun way.”

**Katarzyna, Level 3 Paralegal Apprentice**



# Support from Datalaw

**Datalaw will support you and your apprentice throughout their Apprenticeship programme from initial recruitment to completion. This will mean you will come in contact with the following team members**

## A. Business Development Officers

This team supports you in the recruitment process of your apprentices. Their role is to advise you on how you can advertise and recruit for your Apprenticeship vacancy, to match candidates to your apprenticeship vacancies and forward on applications or CVs, to arrange the interviews and to organise the start of your successful candidates.

## B. Administration and Admissions

This team is responsible for ensuring all the government funding criteria is met in advance of your learn starting the course and talk your organisation through how to sign up to the digital apprenticeship service. Along with this they will also be involved in the learner and employer induction to Datalaw. Providing key information along the way. Part of the induction process is a 30 day review. Before being assigned to a tutor the learner will be ask to undertake a series of tasks to ensure their commitment to the apprenticeship, including Maths and English initial assessments and safeguarding training.

## C. Learning Coaches and Tutors

This team is responsible for training the apprentices and assessing them for their qualifications. They will contact you to arrange a visit and discuss their role. They will remote training and will be involved in assessing the components of the Apprenticeship by assessment and reviews. It is important for the development of key skills and behaviours that the employers agreed manager is part of the review process. Each learners is will be provided a dedicated tutor. His or her role is to ensure apprentices progress through their course, providing or signposting them for support to ensure they are making good progress in the areas your business prioritises. They can assist with issues around attendance at work but apprentices should also be subject to your internal processes just like any other employee. The contact details for these teams can be found in the 'start letter' which you will be sent once you have offered a candidate an apprenticeship. If you need to contact a tutor, please be aware they may be teaching and cannot always take calls, please use email where possible.

## Additional Learning Support

Datalaw is committed to supporting individuals with disabilities and learning difficulties, and any other support needs, and has a team of staff who will work with individuals to give appropriate support where necessary. The support team will work in liaison with the Business Development team, Admissions and Tutors to ensure additional support provided contributes to helping the individual develop the skills needed to be successful in work.



# The Apprenticeship Training Programme

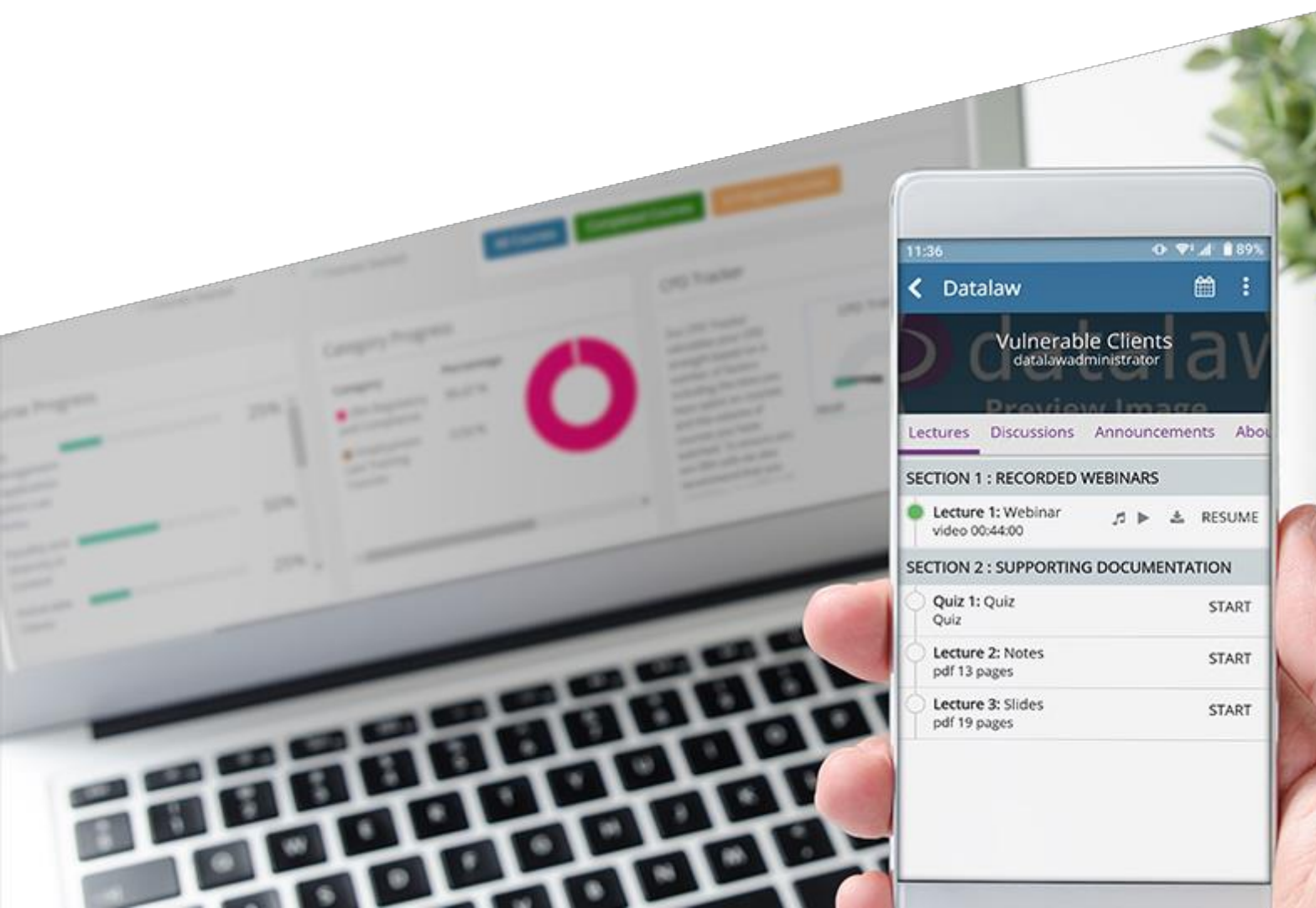
## We only provide Apprenticeship Standards

- Prior to 2017, all apprenticeships were known as Frameworks. These are primarily qualification-focused. On a Framework, apprentices are assessed continuously throughout their apprenticeships, usually by compiling a portfolio consisting of lots of individual pieces of evidence. The main aim at the end of a Framework is to have achieved a competency-based qualification, such as an NVQ, and a technical qualification, such as a BTEC.
- Since 2017, the Government has promoted the development of Apprenticeship Standards. A standard contains a list of the skills, knowledge and behaviours an apprentice will need to have learned by the end of their apprenticeship. Standards are occupation-focused; they are not qualification-led. The learning happens throughout the apprenticeship and the apprentice undertakes a final End Point Assessment (EPA). They need to prove that they can carry out all aspects of their job. They develop transferable skills and gain credibility too.



## Off-the-job Training

- Apprenticeships must involve at least 20% off-the-job training.. This 20% off-the-job training requirement is measured over the course of an apprenticeship.
- The off-the-job training (OTJ) is an essential part of an apprenticeship and therefore must take place during employed time. If training must on odd occasions take place in an evening, or outside of contracted hours, this must be recognised, for example, through time off in lieu.
- Training undertaken outside paid employment (and therefore outside of the apprenticeship) cannot be counted towards meeting the 20% requirement.
- It is up to the employer and provider to decide at what point during the apprenticeship the training is best delivered (for example, a proportion of every day, one complete day a week, one week out of every five, a proportion at the beginning, middle or end). This will depend on what is best for the organisation and the apprentice and on the technical or theoretical requirements of the apprenticeship standard.
- Most Apprenticeships at Datalaw will be taught at time scheduled in working hours around their daily work duties. Our tutor will do their best to assign as many OTJ tasks that have a workplace impact.
- However the training is delivered, it is important to remember that the apprentice must receive off-the-job training for a minimum of 20% of the time they are paid to work.





# Levels of Apprenticeship

Apprenticeships have equivalent educational levels. The appropriate level will depend on the complexity of the role the apprentice is

undertaking and the level of responsibility they are given in the workplace;

Name	Level	Equivalent Educational Level
Intermediate	2	GCSE
Advanced	3	A Level
Higher	4, 5, 6 & 7	Foundation Degree and above
Degree	6 & 7	Bachelor's or Master's degree

In addition, the apprentices may have to study for Functional Skills qualifications in English and maths, and in some cases, IT. If the apprentice has already achieved the required standard for their apprenticeship, then they may be **exempt**, but this will be confirmed on enrolment.



# Contracts of Employment/ Apprenticeship Agreement

## Contracts of Employment

- All employees have an employment contract with their employer. A contract is an agreement that sets out an employee's:
  - Employment Conditions
  - Rights
  - Responsibilities
  - Duties
- Most employment contracts do not need to be in writing to be legally valid, but it is better if they are.
- A contract 'starts' as soon as an offer of employment is accepted.
- Most employees are legally entitled to a Written Statement of the main terms and conditions of employment within two calendar months of starting work. This should include details of things like pay, holidays and working hours. Further information about Written Statements and Contracts of Employment can be found on the gov.uk website at [www.gov.uk/employment-contracts-and-conditions](http://www.gov.uk/employment-contracts-and-conditions)

## What is an Apprenticeship Agreement?

- You must sign an apprenticeship agreement with your apprentice. This gives details of what you agree to do for the apprentice, including:
- How long you'll employ them for.
  - The training you'll give them.
  - Their working conditions.
  - The qualifications they are working towards.

You can write your own Apprentice Agreement or download an Apprenticeship Agreement template at [www.gov.uk/government/publications/apprenticeship-agreement-template](http://www.gov.uk/government/publications/apprenticeship-agreement-template)

## What is a commitment statement?

- You must also sign a commitment statement with your apprentice and the training organisation. It must include:
- The planned content and schedule for training.
  - What is expected and offered by the employer, the training organisation and the apprentice.
  - How to resolve queries or complaints.

## Paid Holidays

Within the Contract/Apprenticeship Agreement the number of paid days holiday a year should be detailed. All apprentices are covered by the same national legislation on paid holidays as other staff. The current legislation entitles all staff working 5 days per week to 28 paid holidays per year, or pro-rata if they work less. This includes bank and public holidays.





# Legislation

Apprentices like all your other employees are subject to a range of legislation covering areas such as Employment Law, Health and Safety Legislation and Equality Legislation. Apprentices should be treated the same as all other employees in relation to this legislation where the legal responsibility lies with the employer. There are 3 specific pieces of legislation which apply to apprentices that may not apply to other employees. These are:

## National Minimum Wage

The government has created a national minimum wage for apprentices, which only applies to this group of employees. If they wish, employers can pay more than this rate.

In our experience, offering an apprentice small pay rises linked to specific achievements during training, is an option worth considering. For apprentices aged 19 years or over, the national minimum wage for an apprentice only applies during the first year.

## Working hours legislation for under 18's

There is legislation in place which limits the working hours of young people under 18 years of age. The Direct.gov government run website currently advises the following on this issue;

*"A young worker cannot usually be made to work more than eight hours per day or 40 hours per week. These hours cannot be averaged over a longer period and you are not allowed to ignore these restrictions.*

*They will only be able to work longer hours if you either need to:*

- *keep the continuity of service or production*
- *respond to a surge in demand for a service or product and provided that:*
- *there is no adult available to do the work*
- *their training needs are not negatively affected."*

These restrictions only apply to those under 18, apprentices aged 18 or over can be required to work longer hours providing they are paid. The working hours should be discussed and agreed with the applicant before commencing with any Apprenticeship.

## Risk assessments for employing a young person

Every employer employing a 16-18 year old is legally obliged to carry out a risk assessment into the additional health and safety risks employing a young, inexperienced person brings to the workplace. This is a relatively straight forward process and you may have already completed one if you have previously employed someone of this age. If not, a risk assessment needs developing for this purpose, there is some useful support available on the internet from the Health & Safety Executive (HSE), please see:-

Information on how to put together a risk assessment - [www.hse.gov.uk/pubns/indg163.pdf](http://www.hse.gov.uk/pubns/indg163.pdf)

Information on employing a young person - [www.hse.gov.uk/pubns/indg364.pdf](http://www.hse.gov.uk/pubns/indg364.pdf)

This risk assessment should be completed before the employment commences, for further advice please see our contacts section at the end.

# Health & Safety

When dealing with apprentices this topic needs a little further consideration than when dealing with other new employees with previous work experience as the risk assessment indicates. Some apprentices are school-leavers so their knowledge/experience of workplace Health &

Safety requirements may be minimal or non-existent. Just like other employees the legal employer. Datalaw will look at this topic as part of the apprentices training programme but employers should plan to address this from the apprentices first day at work.

You are likely to have your own procedures in place for Health & Safety induction training, We would encourage employers to clearly communicate to apprentices the importance of this topic and to outline the sanctions that would apply if they failed to follow your procedures and instructions. A good rule of thumb is to tell apprentices that if they are in any way uncertain about a Health& Safety issue, to stop and check rather than take risks.

For larger organisations, we would ask that you ensure that the apprentice has a "workplace" induction within the area they will be working as well as a general induction in to the organisation.

## Speak Up, Stay Safe

Both employers and young employees can access useful advice from this British Safety Council campaign which aims to put young people and confident communication at the heart of good health and safety. Please follow this link [www.britsafe.org/speakupstaysafe](http://www.britsafe.org/speakupstaysafe)





# Safeguarding

Where apprentices are at risk we would encourage employers to look at the issue of Safeguarding.

Safeguarding is the process of minimising the risk that young people are subject to including bullying or abuse in the workplace.

Although safeguarding is an important issue for all employees, irrespective of their age, we would encourage employers to look at safeguarding of young people (16-18) or vulnerable adults further.

Issues with safeguarding are not commonplace and there are no requirements to carry out DBS (Disclosure and Barring Service) checks on staff because you are employing a young person. However there are some simple things employers can do to minimise the risk including:

- A. Providing a named person within the organisation that the apprentice should contact if there are any issues in this area and showing them who and where this person is.
- B. Where further advice or support is needed - contact our Safeguarding at Datalaw
- C. If concerns are raised - investigate them further and notify Datalaw's Safeguarding Team.

Simple practical steps such as these should help in minimising any risks without requiring any significant new processes or procedures.

# Reviews

Every apprentice at Datalaw will go through a formal review of their progress at least every 12 weeks or more frequently if required.

The purpose of this review is to look at their progress in both Datalaws training and in work. A member of your organisation will be asked to participate in the review process using Datalaw online training system.

Our learning platform brings training and assessment together in one place. It can be used to track and monitor all types of work-based training. You will be able to remotely log in and monitor your apprentice's progress, send online feedback and read and contribute to your apprentice's reviews.

## End Point Assessment

The purpose of the End Point Assessment (EPA) is to test that an apprentice is fully capable of doing their job before they receive their apprenticeship certificate. It also helps to demonstrate that what an apprentice has learned can be applied in the real world.

- EPA is separate to any qualifications or other assessment that the apprentice may undertake during the on-programme stage of the apprenticeship.
- At the end of an apprenticeship, the apprentice will go through a 'gateway' process where they are signed-off by their employer as ready for a final assessment of their knowledge and practical capabilities.
- The assessment will be graded (in most cases) and the Independent Assessment Organisation (IAO) and assessor must be independent of, and separate from, the training provided by the provider and employer.

We value your input and reviews are an ideal opportunity to formally update the apprentice on their progress and plan for the future. Please try to provide feedback which highlights clearly the areas they are performing well in and areas they need to improve. In our experience this feedback process can have a significant effect on the success of an Apprenticeship.

# British Values

British values are of paramount importance to us. We see British values as underpinning what it is to be a citizen in a modern and diverse Great Britain.

The five part definition of British values are as follows:

- Democracy
- The rule of Law
- Individual liberty
- Mutual Respect
- Tolerance of different faiths and beliefs

With these values in mind, at Datalaw we aim to:

- Help students to become valuable and rounded members of society who treat others with respect and tolerance, regardless of background.
- Promote to students the basic British values of democracy, the rule of law, individual liberty and mutual respect and tolerance for those of different beliefs and faiths.
- Ensure young people understand the importance of respect and leave their apprenticeship fully prepared for life in modern Britain.
- Celebrate difference and promote diversity.
- Encourage an understanding of the difficulties other cultures face where such values are not respected.

Therefore Datalaw:

- Minimises the risk of exposure to bullying, grooming, radicalisation or abuse to learners through the use of technology including the internet or other means.
- Has well-developed strategies in place to keep learners safe and to support them to develop their own understanding of these risks and in learning how to keep themselves and others safe.
- Oversees the safe use of technology and takes action immediately if we are concerned.
- Encourages any learners who do not feel safe in while learning or see anything that they feel may pose a risk or threat, to report this immediately with the knowledge that their complaint will be investigated thoroughly and with the utmost confidentiality.



# The Prevent Strategy

Everyone has a right to live in a safe and welcoming neighbourhood where they feel they belong. The Government's Prevent Strategy is designed to expose the ideology that sanctions and encourages division, hatred and indiscriminate violence by a very small minority against society as a whole.

The Prevent Strategy has five key strands aimed at addressing these causal factors and in support of the overall aim of stopping people becoming or supporting terrorists or violent extremists:

1. **Challenging the violent extremist ideology and supporting mainstream voices;**
2. **Disrupting those who promote violent extremism and supporting the institutions where they are active;**
3. **Supporting individuals who are being targeted and recruited to the cause of violent extremism;**
4. **Increasing the resilience of communities to violent extremism; and**
5. **Addressing the grievances that ideologues are exploiting.**

To support the Prevent Strategy, Datalaw, alongside other partners such as local employers, has a critical role in preventing violent extremism, including recognition of any signs that a student may be at risk, or is a risk to others. Employers understand the local context and are in a unique position of being part of the local communities where we share the responsibility of rejecting and condemning all forms of violence.

If you have any concerns about the welfare of an apprentice or student on work experience, you can contact Datalaw Safeguarding Team for advice on all matters relating to the Prevent strategy. The contact for the Safeguarding Team can be found at the back of this Employer Handbook

# Options once the Apprenticeship has been completed

Once the Apprenticeship is completed there are a variety of options to consider including

1. Progressing to a higher level Apprenticeship with support from Datalaw. This transition depends upon their role and responsibilities within the organisation and their ability to meet the demands of the higher qualifications. Please discuss the feasibility of this option with Datalaw learning coach before the Apprenticeship has been completed. They will be able to advise you and the apprentice on this option. This option enables the apprentice to receive further training in additional skills and enables your organisation to train them in a broader role with higher level skills.
2. Becoming an employee. If a suitable vacancy or opportunity arises you can employ an apprentice at the end of their Apprenticeship. They would be employed like any other member of staff on a new contract of employment and would then be entitled to the national minimum wage for their age group, as a minimum.
3. Leaving your organisation. If the two options detailed above are not possible at the end of the Apprenticeship then you, the apprentice and the tutor/assessor will need to set a date for them to leave the organisation once the Apprenticeship is completed. It is not possible to continue to employ them as an apprentice once they have completed their framework.

We hope that you will continue to support them as they look to progress both by providing employer references and making them aware of any suitable vacancies you may come across, as well as allowing time off work for interviews.

Your key contact for advice on these options is Datalaw tutor who will be your main contact as the Apprenticeship progresses.





# Datalaw

## Contacts

Area	Contact	Phone	E-mail
Apprenticeship New Enquiries	Joseph McCormick	0151 242 0064	<a href="mailto:sean.brogan@datalaw.org">sean.brogan@datalaw.org</a>
Safeguarding Lead	Sarah Gill	0151 242 0060	<a href="mailto:sarah.gill@datalaw.org">sarah.gill@datalaw.org</a>

## Useful internet sources

Topic	Web Address
Apprenticeships - Overview and guidance from the National Apprenticeship Service	<a href="http://www.apprenticeships.org.uk">www.apprenticeships.org.uk</a>
Datalaw's Website	<a href="http://www.datalawonline.co.uk">www.datalawonline.co.uk</a>
Health & Safety Executive (HSE)	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Wages and working hours - Government guidance & legislation	<a href="http://www.direct.gov.uk">www.direct.gov.uk</a>

To find out more or to discuss your staff training requirements,please contact the Business Development Team on 0151 236 2024 or email [info@datalaw.org](mailto:info@datalaw.org)