

GUIDE FOR EMPLOYERS

THE ONE STOP SHOP FOR ALL YOUR TRAINING NEEDS



WHAT YOU NEED TO KNOW ABOUT
TAKING ON AN APPRENTICE OR
WORK EXPERIENCE LEARNER

Employer's Responsibilities:

In taking on and supporting an apprentice or a Traineeship/work experience learner there are certain obligations that you need to be aware of, many of which, as an employer, you will already be familiar with:

Induction

Learners should be made to feel welcome in their new surroundings as soon as possible. In addition, they need to understand your company and the aims of the Apprenticeship or work experience programme in the case of Traineeships. Induction is not something which only takes place on the first day. The aims should be explained to the learner at the start of the programme, however, some will need to be reiterated or introduced in a structured manner once the learner has become familiar with the working environment.

Apprenticeship learners and employers will find it helpful review the content of the Apprenticeship standard together as part of the induction MITSkills can help with this.

Traineeship work experience learner should have a set of agreed work experience aims from their initial assessment it may help for these to be reviewed as part of the induction to by the learner and your employer lead mentor.

An induction that all employees go through would not normally count as off the job training for the apprenticeship as they are not specifically related to the qualification



Employment and Working Hours

Check the Apprentices Right to Work in the United Kingdom

As the employer it is your legal responsibility to check all Apprentices right to work in the United Kingdom as with all your employees, For those with EEA/EU passports/citizenship this is changing and employers are reminded that to continue as a funded Apprentice and in employment, currently after 30th June 2021 EEA/EU citizen will need to have Settled or Pre Settled status with the right to work here or at least be applying for it.. Settled or Pre-Settled status is only open to EEA citizen that are resident in the UK prior to 31st of December 2020. For employers the Government has provided a guide to employment checks see the link below. If you intend to start EU/EEA Apprentices and they cannot confirm having settled or pre-settled status at the start of their Apprentices it is in your interest to ensure that if you employ them you follow up with your Apprentice/s to ensure that the learner/s obtains settled or pre-settled status as currently funding past the 30th June 2021 may depend on settled - pre settled status (or an equivalent). Employers should be aware that the Government has advised EU/EEA citizen they should apply for settled status if resident prior to 31 December 2020 and no later than 30th June 2020 but it can take up to a month to come through see link below.

<https://www.gov.uk/check-job-applicant-right-to-work>

The next link gives wider advice to employers on the Settlement scheme and we advise employers with EEA/EU Apprentices to read this.

<https://www.gov.uk/government/collections/eu-settlement-scheme-employer-toolkit>

Please note Government advice is that” EU/EEA citizen will need to apply for Settled status if they are to continue to live in the UK You

and your family usually need to apply to continue living in the UK after 31 December 2020 if you're from any of the following and the following”

EU Citizen (except Ireland)

Norway, Switzerland, Liechtenstein, Iceland

The following link can be used by EU/EEA employees to check if they need to apply or if they can already evidence equivalent of settled or pre-settled status (correct at August 2020).

<https://www.gov.uk/staying-uk-eu-citizen>

Employer should continue to monitor Government advice throughout the period to 30th June 2021.

“From 31 December 2020 EEA and Swiss citizens will be subject to immigration control. This means that they may be questioned at the UK border or before boarding flights to the UK and be asked to prove their immigration status. If they are unable to show that they have status under the EU Settlement Scheme or under another category of the immigration rules, they could be limited to a maximum of six months in the UK, with no right to work.”

Minimum wage

You will need to pay the learner the national minimum wage for apprentices, which is dependent on age. Many employers choose to pay significantly above the minimum wage to secure and retain the best apprentices.

To check on how the National Minimum Wage applies to you (or your staff), please visit <https://www.gov.uk/national-minimum-wage-rates>

The apprentice must have a contract of employment with you and receive a pay slip. They must be employed for at least 30 hours a week up to a maximum of 40 hours a week (if under 18 years of age), all ‘off

the job training'* is included within the contracted paid hours. There are exceptions to the 30-hour rule, and we will advise you should this occur.

Apprentices are entitled to paid holidays from their first day of employment. The minimum statutory entitlement is currently 28 days annually, including bank holidays. Holiday pay must be accrued in accordance with the terms of contract with the apprentice.

* <https://www.gov.uk/take-on-an-apprentice>

Apprenticeship Funding Rules for Employers:

As an employer you are required to comply with the funding rules for employers. These should be read prior to or before finalising your apprenticeship sign up and commitment statement.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905352/2021_Employer_Rules_Version_1_v1.0_FINAL.pdf

As the employer you are responsible for checking and confirming the eligibility of your Apprentice prior to completing the signup and claiming funding. From April 1, 2019 all employers are required to contribute 5% of the entire cost of the apprenticeship for learners over the age of 18 years (Non-Levy Employers). For apprenticeships starting prior to this date the contribution was 10%. The following links take you to further

Government guidance on funding and apprentices

<https://www.gov.uk/employing-an-apprentice/apprenticeship-agreement>

<https://help.apprenticeships.education.gov.uk/hc/en-gb/articles/360006713099-Apprenticeship-funding>

To register for funding please use the following link

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

On the Job Training/Work Experience

You must appoint a qualified responsible person.

If you are unable to take personal responsibility, you must appoint an appropriately competent person authorised by the company to oversee the learner's training. This person should be given the responsibility for ensuring the programme is followed and being a mentor for the learner.

Your co-operation will be sought to provide evidence of the learners' knowledge, for tasks undertaken in the workplace. This will assist in the development of the learner's portfolio of evidence, required for the award of a vocational qualification. Evidence can be supplied by various means using either company documentation or that supplied by MITSkills or the 'off the job' training centre.

Off the Job Training

As an employer you are legally obliged to allow the apprentice at least 20% of their paid hours as 'off the job' training. This may include day or block release to a training provider, as well as exams and assessments during working hours (the employer will be notified about these in advance, so you can plan accordingly).

As an employer you are required to evidence an agreed plan for how the 'off the job' training will be achieved, at the planning stage via a commitment statement between yourself, the learner and the training provider.

Most apprentices have online portfolios and the trainers will help the learner in completing this. The training provider will provide the necessary underpinning knowledge, (the theoretical knowledge an apprentice requires to complete tasks safely and competently) and will provide, if required the practical training in those areas not covered in the workplace.

MITSkills will make arrangements for learners to attend an appropriate

training centre or sessions where required. The training provider will provide you with reports on the learner's attendance and progress on request. You as the employer may have to provide hours in the workplace to ensure the 20% minimum is met. For example, to do online courses, assignments, project work and for some functional skills (time on functional skills is over and above the 20% and is a requirement for funding).

The current rules specify that an employer is responsible for providing regular evidence for off the job hours. These hours must be logged by the learner on a regular basis, as funding is dependent on this evidence. MITSkills as the provider makes this part of our contracted agreement with you as the employer.

If you need any more information then please visit,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/621565/OTJ_training_guidance.pdf

Mentoring

Learners will require access to a mentor whose responsibilities are:

- a) On the job training (and off the job training where agreed) - helping trainees to acquire the skills and knowledge needed to meet the vocational qualification standards.
- b) Work supervision - to regularly discuss and review progress with the trainee and his/her Work Based Trainer and arrange for agreed vocational qualification elements to be covered before the next assessment visit.
- c) Health & Safety - ensure that everybody maintains safe working practices and sets a good example. Make sure that trainees understand and follow safety rules.
- d) Mentors should provide input to reviews, where the direct employer is not available. We will require comments on the apprentice's performance and an awareness of the proposed in company development of the apprentice.

- e) Mentors with competence can train skills which are required to meet an apprenticeship, this can include the use of equipment and tools which may be specific to your business or a task to improve skills needed to succeed. We would encourage employers to have the learner and mentor log this time.



Health and Safety

The Health and Safety at Work Act 1974 has made it an employer's responsibility to ensure the health, safety and welfare of all your employees and to ensure your employees are not exposed to any risks to their health and safety. The Health and Safety (Training for Employment) Regulations 1990 gives learners the same protection as your other employees.

You will be aware that learners may due to their lack of trade competence, require closer supervision than other employees. You must never leave learners unsupervised. You must provide your apprentice with the necessary PPE (where appropriate). MITSkills will ask you as the employer to complete a risk assessment for learner in the context of your business. This includes identifying a single point of contact who you as the employer are happy to be the contact for issues related to learner welfare and support and to receive updates from MITSkills. Further information is given under Safeguarding and Prevent.

As part of your agreement with MITSkills you agree to comply with all relevant statutory duties with respect to Health, Safety and Welfare. You will also ensure the maintenance cover for the Trainee under your Employer's Liability Insurance, Public Liability Insurance and (as appropriate) any other relevant insurance.

Employers are required to maintain the work environment to legally acceptable standards and carry out risk assessments to ensure safety in the workplace. Employers should also ensure that registrations have been made with the appropriate Enforcing Authorities where required.



Reviewing, Assessment and Recording

The Learner's progress should be reviewed regularly. This should be a three-way discussion between the learner, employer and the trainer responsible for his/her training. Areas where training has not been available or where the learner requires additional training can be identified. MITSkills staff are available to help you plan the learner's programme and will assist you in reviewing the learners progress during their scheduled visits.

To help young learners make the difficult transition from school to working life, a system of regular assessment has been incorporated into the programme to help learners to identify areas of personal effectiveness, which will require your support of the learner for

improvement or reinforcement. MITSkills staff will carry out the review and assessment process during their scheduled visits in conjunction with the learner and mentor.

MITSkills' staff will review the learner at least every 8 weeks whilst on course or as agreed for work experience learners including traineeships. You should also allow Funding Body staff or OFSTED to talk to learners on request although, in normal circumstances, your permission will be sought before that event. If you are approached directly please contact MITSkills immediately. (Contact 01932 341416)



Guidance and Counselling

The learner will require continuous guidance not only in reviewing their progress through the programme but also to resolve day-to-day problems and receive assistance in their career development.

Mental Health Conditions, Work and the Workplace

One in four people in the UK will have a mental health problem at some point. Mental health is about how we think, feel and behave. Whether work is causing the health issue or aggravating it, employers have a legal responsibility to help their employees.

Further information can be found at:

<http://www.hse.gov.uk/stress/mental-health.htm>

Safeguarding and Prevent

For full details read <https://www.gov.uk/government/publications/work-based-learners-and-the-prevent-statutory-duty>

Employer should ensure that as part of meeting their obligations and good practice to keep their Apprentices or work experience learners safe this includes safeguarding and prevent. As part of meeting obligations and best practice employers need to have a named Single Point of Contact (SPOC) for your Apprenticeships and work-based learners. They can be a manager or lead mentor. The SPOC acts as a contact point for the learner and our Safeguarding team or Assessors if there are concerns or support needs related to the learner. In turn your SPOC can contact MITSkills learner support where they identify concerns or need information advice or guidance in supporting the learner. The SPOC is your companies contact point for that learner. Your single point of Contact (SPOC) should be named on the Apprentice Commitment statement and on the employer health and safety form Traineeships or work experience learners. The expectation is that MITSkills can use their contact details and the SPOC is willing to be contacted. As an employer you should ensure your SPOC undergoes safeguarding and prevent awareness training as part of ensuring that your organization meets your obligations to keep learners safe. There is approved free training to employer online and we are happy to discuss this obligation with you and whoever you nominate. SPOC's will be able to evidence completing their training course via printable certificate. MITSkills can also help with training to support employers. The following link go to free online training.

<https://www.foundationonline.org.uk/course/index.php?categoryid=34>

<https://www.foundationonline.org.uk/course/index.php?categoryid=14>

Safeguarding means:

- The promotion of the apprentice's health and development
- Ensuring their safety and care
- Protection for the apprentice against abuse and neglect
- Prevention from bullying and harassment
- Prevention from exposure to terrorism and extremist views

The term 'safeguarding' embraces both child and vulnerable adult. Protection and preventative approaches should be adopted to keep the

apprentice safe. The prevention against exposure to terrorism and extremist views applies to all, regardless of age or background. MITSkills has a safeguarding policy to provide a secure environment for the learners and staff. As an employer if you believe that your learner is having issues including but not restricted to the below list, please raise it with MITSkills.

- Physical abuse
- Psychological abuse
- Sexual abuse
- Financial or material abuse
- Discriminatory abuse
- Neglect
- Radicalisation of a learner

If you have any concerns regarding the welfare of an apprentice, please contact our Safeguarding Officers on 01932 341416 – ask for Stuart Francis or Claire Clark.

GDPR and Data

Employers and their staff and learners are asked for permission for MITSkills to share and use data which included in data sharing the ESFA ,Department of Education and other bodies including for research purposes most data will be stored for a period of 10 year as part of funding evidence requirement.

Contacting us: your data, your rights to access and confirm or amend your data, held by MITSkills.

Individual can request a change to their own data or copy of data on production of certified copies of two forms of ID (see LRS list below - one of which must be photographic). Certification of identity must be by a legal or medical professional or if a learner is studying, by a work-based tutor and sent to the address below. Likewise, you can also change your contact preferences by the same process. Please note funding may be impacted where data is changed or withdrawn .

The information you provide to us is controlled by MITSkills as the 'Data Controller', however, data that may be supplied to us by any third party is controlled by them, including for the purpose of the Data Protection Act 2018 (the Act) and any other applicable laws.

If you have any questions or queries concerning our services or this Privacy Policy or your data, we are always keen to hear from our customers or system users (especially if you feel we've let you down or fallen short of your expectations). We are always grateful for any time you spend providing us with the knowledge we need to ensure our customers are completely satisfied.

You can contact us by email at GDPR@mitskills.com.or alternatively write to us at: c/o Hani Zubeidi (Data Controller)

MIT SKILLS Ltd- 12/13 Camphill Industrial Estate - West Byfleet - KT14 6EW

Complaints Procedure

If you are dissatisfied with any aspect of your learner's course; in the first instance you should raise your complaint with the Tutor/Work based trainer.

If this is not possible, or they are unable to provide a satisfactory response, you should then put your complaint in writing, using the MIT Skills' Complaints Form (available on the website under Employer and Learner Documents), which should be sent to the Departmental Manager who will co-ordinate an investigation.

MIT Skills will log your complaint and initiate a full investigation of the circumstances. We will provide a response within 10 working days of receipt. The final decision rests with Senior Management except where the complaint lies with the Awarding Body where the Awarding Body procedures will apply.

A full copy of our Formal Complaints Procedure is available on our Website. <https://mitskills.com/policy-documents/>

Health and Safety

Prior to any learner coming on site you will be asked to complete a health and safety risk assessment looking at what may need to be in place for your Apprentice or work experience learner, it is your responsibility to ensure your site is safe with regard to the learner. We provide a standard form to help structure elements which should be considered, but you may have additional risks that you wish to consider especially for younger learners in terms of supervision. PPE Personal protective equipment may be needed and this is employer's responsibility for Apprentices they cannot be asked to pay for PPE.

Covid 19 Employers must consider the restrictions current in national or in their areas we have provided a link to current HSE advice below point c.

Useful links to government policies on apprentices in the workplace.

- a) For further information on apprenticeship levy, please visit;
<https://www.gov.uk/employing-an-apprentice/get-funding>

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

- b)
- c) The Control of Substances Hazardous to Health Regulations 2002 (COSHH) See <http://www.hse.gov.uk/toolbox/harmful/index.htm>
- d) Covid -19 HSE advice for employers
<https://www.hse.gov.uk/coronavirus/index.htm>

- e) The Control of Noise at Work Regulations 2005 See <http://www.hse.gov.uk/pubns/indg362.htm>

- f) The Electricity at Work Regulations 1989 Third Edition 2015
See <http://www.hse.gov.uk/pubns/priced/hsr25.pdf>

- g) The Management of Health and Safety at Work Regulations 1999
Guidance for Managing Health and Safety (free HSE online book)
See <http://www.hse.gov.uk/managing/index.htm>

- h) The Provision and Use of Work Equipment Regulations 1998
See <http://www.hse.gov.uk/work-equipment-machinery/power.htm>

- i) The Manual Handling Operations Regulations 1992 fourth ed
2016 See <http://www.hse.gov.uk/pubns/books/l23.htm>

- j) The Workplace (Health, Safety and Welfare) Regulations
1992 See <http://www.hse.gov.uk/pubns/indg244.pdf>
<http://www.hse.gov.uk/pubns/indg449.pdf>

- k) The Personal Protective Equipment at Work Regulations 1992 See <http://www.hse.gov.uk/toolbox/ppe.htm>

- l) The Health and Safety (Display Screen Equipment) Regulations 1992
See <http://www.hse.gov.uk/pubns/priced/l26.pdf>

- m) Fire Precautions (places of work) Regulations 1997
See <http://www.hse.gov.uk/toolbox/fire.htm>

- n) Construction Design Management Regulations 2015
See <http://www.hse.gov.uk/construction/cdm/2015/index.htm>

- o) Working at Heights Regulations 2005
See <http://www.hse.gov.uk/pubns/indg401.pdf>

This list is not necessarily exhaustive.

Further advice can be found on the HSE website
<http://www.hse.gov.uk/index.htm>

Disclaimer – all information was correct at the time of going to print and is subject to changed according to government policy.

- Did you know you can upskill your existing staff through an apprenticeship?

- We can recruit new apprentices to fill staff vacancies (free recruitment service).

- We are one of the leading providers for apprenticeship training delivery nationwide. Delivering over 500 qualifications, our clients include employers both large and small.

To book training for your staff or for more information Contact M.I.T.



Telephone: 0845 4309009
Email: hello@mitskills.com