

HR & OD POLICIES

human resources and organisational development



Apprenticeships Guidance

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1. INTRODUCTION

The use of apprenticeships can help Services to ensure that their workforce has the practical skills and qualifications needed now and in the future.

The guidance below provides a general overview of the key issues to consider when using apprenticeships. Services should contact HR&OD if they require advice on a specific issue regarding an apprenticeship.

2. APPRENTICESHIP CONTRACTS

Given the primary purpose of an apprenticeship is that of training for a specified time period an apprentice will be issued with a **Time Limited Contract** which stipulates the reason for employment and contract start and expiry dates.

Although for a specific time period, an apprenticeship is not considered a fixed term contract under employment legislation as the Fixed Term Employee (Prevention of Less Favourable Treatment) Regulations 2002 specifically exclude apprentices from their provisions.

The fact that the apprenticeship contract is only for the duration of the training period, following which there is no obligation for the Council to offer employment should be discussed with the candidate as part of the recruitment and appointment process and must be narrated in the contract.

When completing the EMIS employee form for an apprentice, **for administrative purposes only**, the apprenticeship 'Status in post' (Section C) should be categorised as Fixed Term. The form must state the reason for the contract i.e. Apprenticeship, selected from the Fixed Term drop down box and the end date of the apprenticeship **must** be specified. Within the 'additional information' box (Section D) details of the educational establishment at which the apprentice will be attending, the qualification/course being undertaken at this establishment and the duration should also be specified. Provision of these details will ensure that the appropriate clauses can be inserted into the apprentice's contract. The [EMIS Form Example](#) found in the Resource Pack illustrates how the relevant sections on the EMIS employee form should be completed and further guidance can be found on Arcadia, [How To Complete An Emis Employee Form](#).

3. MANAGING APPRENTICES

As an employee, apprentices should be managed under the Council's HR policies and procedures. Services have a duty of care to support the personal growth and learning of the apprentice in addition to providing professional development and skills.

All apprentices are required to commit to a course of study and contractually agree to punctually and regularly attend an approved block or day release of study, maintain satisfactory progress throughout and successfully complete the agreed qualification within the time frame set. Services should establish regular review meetings with the apprentice, in addition to any agreed as part of the apprentice's training plan, to ensure satisfactory progress is maintained and any concerns are identified and addressed in the early stages.

Any conduct or capability issues should be addressed in accordance with the Council's Work Performance and/or Disciplinary policy, as appropriate, and managers should seek HR advice and guidance from the outset. Services are expected to provide additional support for an apprentice with conduct or capability issues given the primary focus of the apprenticeship contract on training.

4. END OF APPRENTICESHIP CONTRACT

It is important that the end of an apprenticeship contract is handled properly to avoid potential claims against the Council and to ensure the employee is treated fairly.

Under the apprenticeship contract there is no guarantee of future employment with the Council on completion of the apprenticeship. If the apprentice is not to be offered employment after the contract expiry date then they will be treated as having been dismissed.

Non-renewal of the contract is dismissal in law and therefore it is important that the dismissal procedure is followed. In these circumstances the dismissal would be for some other substantial reason (SOSR) – end of contract on specific date stipulated or completion of training.

The following steps should be taken:

Training period successfully completed / specific date stipulated reached.



Set out in writing the reasons behind the proposed decision not to renew the limited time contract and offer the employee the opportunity to meet to discuss the matter, please see Resource Pack for [Sample Wording](#).



After the meeting, the employee must be informed in writing of the decision, please see Resource Pack for [Sample Wording](#). If the employee is dissatisfied with the termination they may submit an appeal to the relevant Head of Service.



Submit an EMIS employee form to [HR&OD](#) to terminate the contract

5. ENDING THE APPRENTICESHIP EARLY

The ability to dismiss an apprentice before the stipulated end date is limited.

A key feature of an apprenticeship is the relationship created for the defined training period that it takes for the employee to learn a particular trade. The contract cannot be terminated early solely by the Service giving notice to the employee, as may be possible with other types of employment contracts.

If the Service wishes to end an apprenticeship early for reasons of capability or misconduct, the Council's HR policies and procedures must be followed accordingly. For the dismissal to be capable of being fair there must be sufficient evidence and substantial concern; the conduct or capability must be considered so bad that it is impossible to teach the apprentice the agreed trade.

It is not possible to make an apprentice redundant. If the Service can no longer fulfil the agreed training and work programme, termination of the apprenticeship contract will be considered a breach of contract on the part of the Council and leave the Council exposed to potential Court action.

HR advice should be sought as soon as possible in any circumstances where the Service is considering ending an apprenticeship early.

6. APPEALS PROCESS

An apprentice whose contract is (a) not renewed or (b) ended early may submit an appeal against this decision to the relevant Head of Service. The appeal should be in writing and submitted within 7 calendar days of receiving written confirmation of the decision. The judgment reached by the Head of Service is final and there is no further right of appeal.

Apprenticeships

Index of Documents

Revision Date	Previous Revision Date	Summary of Changes
25-01-2012		Creation of all Documents
22-06-2015	25-01-2012	Format update