

Apprenticeships in the NHS – NHS Staff Council Guidance

This guidance has been agreed by the NHS Staff Council to support employers and local partnerships in considering the options available to them in relation to pay and conditions of apprentices in the NHS. It should be considered together with any relevant apprenticeship policy guidance and/or statutory requirement produced by the UK, Scotland, Wales and Northern Ireland governments.

This guidance provides general advice on the employment of apprentices in the NHS. The Staff Council may issue further specific advice for particular apprentice training programmes as required.

Introduction

1. Apprenticeships are jobs with an accompanying skills development programme available to anyone aged 16 and over¹. They enable learners to demonstrate their competence while gaining a recognised qualification, achieved through a mix of on the job training and study, whilst at the same time being paid a salary. Apprentices can be new or current employees.
2. Apprenticeship standards and frameworks have been published for a range of roles that are relevant to the NHS and wider health sector including healthcare science assistants, healthcare support workers, assistant practitioners, and those employed in the support functions.
3. The NHS Staff Council recommends local partnership working around the planning and development of apprenticeships. Local employers and local trade unions are encouraged to develop joint approaches that underpin how apprenticeships will operate.
4. Some key areas for partnership consideration may include:
 - progress towards meeting local targets
 - apprenticeship developments being included on the agendas of joint consultative meetings
 - pay and terms and conditions issues with the aim of ensuring fairness and equality
 - the use apprenticeships as part of the employer's wider learning and development strategy
 - how to encourage applications and provide opportunities from disadvantaged and under-represented groups
 - the implications of the apprenticeship levy.

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5. Apprentices are expected to be recognised as a genuine and sustainable investment in the future NHS workforce. Apprentices will be developed to equip them with the skills they need to be employed in the NHS workforce.

Apprenticeship agreements

6. Apprenticeship agreements form part of the apprentice's contract of employment. In addition to the particulars of employment, apprenticeship agreements must include a statement of the skill, trade or occupation for which the apprentice is being trained. If a contract of employment is already in place, a statement will just need to be added to that effect.
7. This is in addition to a learning agreement, which describes the learning programme and sets out how the employer and the training provider will support the apprentice, including:
 - content, schedule and expected duration of the apprenticeship
 - the training that will be provided
 - the qualifications the apprentice is working towards
 - the process for resolving complaints or queries about the apprenticeship.

General requirements for apprenticeships

8. Apprenticeships are to support progression into genuine job roles and must not be created purely for the purposes of the apprenticeship programme.
9. The minimum duration for an apprenticeship is 12 months (24 months in Northern Ireland) and the apprentice must spend at least 20 per cent of their time on off-the-job training and be allowed to complete the apprenticeship within their working hours.
10. The statutory minimum wage provisions provide for a statutory minimum rate for apprentices who are aged under 19, or who are 19 or over and in the first year of the apprenticeship.²
11. Government guidance (England)³ states all apprentices:
 - must be offered the same conditions as other employees working at similar grades or in similar roles within an organisation. This includes:
 - paid holidays
 - sick pay
 - any benefits you offer such as childcare voucher schemes
 - any support you offer such as coaching or mentoring.

² All statutory minimum rates by age, and for apprentices aged under 19 or in the first year of their apprenticeship, are published annually at <https://www.gov.uk/national-minimum-wage-rates>

³ <https://www.gov.uk/take-on-an-apprentice/pay-and-conditions-for-apprentices>

Employment of apprentices – Agenda for Change

12. Apprenticeships for job roles within the scope of the Agenda for Change agreement will normally be employed on contracts incorporating the NHS Terms and Conditions of Service Handbook.
13. This NHS Staff Council guidance will assist employers to achieve compliance with the legal and contractual obligations for apprentices arising from NHS Terms and Conditions of Service and associated equal pay requirements.

Approaches to Pay

14. The NHS Terms and Conditions of Service Handbook Annex 21 (previously Annex U) sets out the options for the pay and banding of trainees. The paragraphs below provide guidance on applying it to apprentices.

Job evaluation

15. Job evaluation may be used where apprentices are undertaking a role that can be assessed using the NHS Job Evaluation Scheme.
16. Annex 21 para 2(ii) covers situations where the learning necessary to undertake the job role can usually be achieved in less than 12 months. In an apprenticeship situation trainees would spend the remainder of the apprenticeship embedding their skills. Para 2(ii) states that:

“This type of trainee can also be evaluated using the NHS Job Evaluation Scheme. If profiles for this role exist, the lowest banded profile will be appropriate...An example of this type of trainee is a trainee secretary.”
17. For most apprenticeships at Bands 1-3, the learning element would not normally be expected to amount to more than 12 months. Most apprentices are more quickly carrying out the main job duties and will use the remainder of the apprenticeship to embed their skills.
18. There are published profiles for roles where apprenticeships are commonly used such as healthcare support and business administration
19. Use of job evaluation for apprentice roles will help to ensure equal pay requirements are met.

Percentage of qualified band maximum

20. Annex 21 says that these provisions can be used where staff develop their knowledge and skills ***“significantly during a time period measured in years.”*** This may be applicable in the case of apprentices with no prior knowledge or experience and who are embarking on a Higher Apprenticeship. These currently make up only a minority of apprenticeships undertaken in the NHS but are expected to grow in the future.

21. Annex 21 paragraph 4 states that application of a percentage of the qualified band maximum cannot be applied if it would take the starting rate of pay for any trainee below the rate of the main (adult) rate of the National Minimum Wage. It should be noted that the Agenda for Change agreement does not make provision for age related pay rates.
22. In Scotland the requirement in para 4 is that the starting rate may not fall below the Scottish Living Wage⁴.

Traineeships⁵

23. Where individuals are not immediately capable of fulfilling a job role, an apprenticeship will not be suitable and a traineeship may be considered. A traineeship is an education and training programme with work experience and is aimed at young people who are not yet ready to do an apprenticeship. There is no contract of employment and trainees can be paid on the basis that they are undertaking work experience.

There is some grant funding available for these schemes⁶.

Current Employees

24. Where existing employees are required to undertake apprenticeships as part of their ongoing learning and development, they would normally remain on their current pay, terms and conditions for the duration of the programme.
25. Some employees may choose voluntarily to apply for an apprenticeship programme within the same organisation in order to support a career change. The pay arrangements for such situations is a matter for local agreement, subject to equality requirements and expressed transparently as part of agreed apprenticeship policies.
26. Where an existing employee is released to undertake an apprenticeship in a different occupation/area, the employee should remain in that area where a job opportunity continues to exist.

New starters

27. The employer will have to decide whether to offer a fixed-term or permanent contract to an apprentice. Where an apprentice is filling a permanent vacancy then a permanent contract would be considered appropriate. Any performance or competence issues can be dealt with under normal procedures.

⁴ [http://www.sehd.scot.nhs.uk/pcs/PCS2016\(AFC\)04.pdf](http://www.sehd.scot.nhs.uk/pcs/PCS2016(AFC)04.pdf)

⁵ <https://www.gov.uk/government/collections/traineeships-programme>

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576758/NAS-P-100145_Traineeships_Fact_Sheet_Employer.pdf

28. Where fixed-term contracts are used, these should be flexible enough to allow for extensions if necessary, e.g. to cover maternity absence.

NHS Pensions

29. New apprentices should be treated like other new staff and have access to the NHS pension scheme in accordance with auto-enrolment legislation. The NHS Pension Scheme regulations require that all new employees who are eligible to join the NHS Pension Scheme are automatically included in the scheme from the first day of their employment. This requirement applies even if an apprentice does not meet the age and earnings criteria to be eligible for automatic enrolment.

Further information on apprenticeships

England

Gov.UK - [Apprenticeships, traineeships and internships](#).

Skills Funding Agency - [Apprenticeship funding: rules and guidance for employers](#)

NHS Employers - [Changes to apprenticeships: what employers need to know](#)

NHS Employers – [Apprenticeship Q&A](#)

Scotland

<https://www.apprenticeships.scot/>

Wales

<https://businesswales.gov.wales/skillsgateway/apprenticeships>

Northern Ireland

<https://www.nibusinessinfo.co.uk/content/apprenticeships-employers>