

Supporting apprenticeships during coronavirus pandemic – briefing for union reps

Many apprentices are facing changes in the workplace now that employers are responding to the coronavirus pandemic. It is important that reps are aware of any issues so that they can support apprentices and raise any concerns with the employer.

Unionlearn has drawn this guidance together to address some of the issues that are likely to come up over the coming months. It is important that both employers and training providers do their utmost to keep apprenticeships running.

Breaks in apprenticeships

Employers and training providers should make every effort to keep apprenticeships going. However, some apprentices may face a break in their apprenticeship because training isn't available for them, they work from home because the employer is enforcing the working from home policy or they are in self-isolation.

A break in an apprenticeship can now temporarily be instigated by the employer, provider or the apprentice when the break is longer than four weeks. If the length of the break is shorter than this the apprentice can initiate the break. A break in learning is one way the Department for Education (DfE) suggests employers can respond to the upset caused by the Covid-19 outbreak and keep apprentices continuing and completing their apprenticeships. If an apprentice is on a break but continues to work they should be paid according to the job role. If an apprentice is furloughed (see below for more information) they can still take on learning if provision is available.

Government funded apprentices have an entitlement to off-the-job (OTJ) training equivalent to at least 20 per cent of their working time. Because of the pandemic this may be in jeopardy, as well as the on-the-job training, when whole workplaces are working from home or the training provider cannot deliver training in their regular way. If the 20 per cent OTJ training cannot be met with remote or digital learning, the apprentice may need to take a break.

The DfE guidance highlights that the 20 per cent OTJ is not applicable during a break but when the break in learning ends, and training resumes, the 20 per cent OTJ requirement will apply over the remaining amended duration of the apprenticeship. Also, if an apprentice is a critical worker and has been redeployed into another role, then some of this activity may still count towards OTJ but this should be discussed and agreed between the employer and provider to ensure the training is

actually relevant to the apprenticeship and delivered by a training provider. Apprenticeship training must be linked to the job role that the individual is undertaking.

Some training can be done remotely using online learning. To ensure the quality of training it is important to discuss with the employer and the provider whether remote learning is adequate and helps the apprentice to gain the skills and competencies they need to achieve their apprenticeship.

The length of the break needs to be agreed with the apprentice, employer and the provider:

- a short pause of less than four weeks in an apprenticeship will not affect the planned end-date of the apprenticeship
- a formal break in learning of four weeks or more will be reported by the training provider to the funding body, ESFA. The planned end-date of the apprenticeship will be moved back to after such time when the learning resumes. When making a new plan for the end-date the duration of the break needs to be taken in consideration.
- any assessment will be re-scheduled according to the new plan for the end-date.

End-point assessment

The [recommendation](#) from the Institute for Apprenticeships & Technical Education (IfATE) is to continue with end-point assessments (EPAs) as planned. Where this is not possible, they should consider extending the apprenticeship and reschedule the EPA keeping in line with the notion that the apprentice takes the EPA while they are employed. This means that where apprentices are on fixed-term contracts the employment contracts should be extended accordingly.

The training provider and end-point assessment organisation will be able to tell about the potential new arrangements they have for EPAs. Remote assessment or simulation instead of face-to-face assessment can be valid options in some cases although observations may prove difficult to fulfil.

English and maths

Depending on which level apprenticeship the apprentices are taking they may have to work towards passing English and maths qualifications. For those undertaking a level 3 or higher apprenticeship, it is a requirement that they should hold or achieve an approved level 2 (GCSE or Functional Skills) in both subjects before they can successfully complete the apprenticeship. For apprentices undertaking a level 2 apprenticeship, all apprentices have to be working towards level 2 in English and maths.

It is possible that with support the apprentices can continue with some of their English and maths learning while working from home. This doesn't count towards 20 per cent OTJ training so additional time needs to be allocated. There may also be issues with apprentices attending assessments if training providers are not able to support them or the assessments cannot be invigilated.

The government has made concessions regarding this year's GCSE and A Level exams so that teachers can grade learners based on assessments and course work to enable people to achieve the qualification in question and the same applies to functional skills with summer 2020 cancelled

exams. The Ofqual has now also agreed that Functional Skills assessments can be delivered and invigilated remotely. The training provider is best place to advice how this happens.

Union learning projects can help by offering learning support and access to union learning centre resources online.

Employment issues

Pay

Since apprentices are employed like other staff in the workplace, the same sick pay rules apply as well as any government wage subsidy arrangements employer might take part in. The TUC has up-to-date [information](#) and [webinars](#) to help reps stay on top of issues that crop up during the pandemic. Individual unions have also provided [guidance](#) on the Covid-19 outbreak.

There are groups of critical staff in sectors such as health care where apprentices are potentially moving to work full time in the job the apprentice has been training for and where they are close to completing their apprenticeship. Or it may be the case that apprentices are temporarily redeployed to do a different job altogether without ending the apprenticeship. They will therefore be on a break from their apprenticeship without on-the-job or off-the-job training and this break is likely to last over four weeks.

If the apprentice is on a break and works in a substantive role in the organisation, they need to be paid the appropriate rate for the role. However, if the apprentice is paid the [apprenticeship minimum wage](#) (AMW) and they are on a break up to four weeks and are not working in a substantive role they can continue to be paid the AMW.

Furlough

Furloughing apprentices means they are not working or are on leave of absence. However, they can still continue with training or learning for their apprenticeship if appropriate provision is available. It is good to remember that if they are not training and the furlough lasts over four weeks this will have an impact on their completion date as well as end-dates for those on fixed-term contracts.

The employer will be able to access the government's Coronavirus Job Retention Scheme for apprentices. Under this scheme HMRC will reimburse 80 per cent of furloughed workers' wage costs, up to a cap of £2,500 per month. Employers can top this up to reimburse 100 per cent of wage costs for furloughed workers and this is currently a key negotiating priority for the TUC and its affiliated unions.

Where training is undertaken by furloughed apprentices at the request of their employer, they are entitled to be paid at least the age-related minimum wage (AMW, National Minimum Wage, or the National Living Wage) for this time. The DfE guidance says that in most cases the furlough payment of 80 per cent of a worker's wage will be sufficient to cover these training hours. However, where the furlough payment does not meet the appropriate minimum wage for the time spent training, employers are required to pay the additional wages.

When furlough is discussed note that:

- Normal workplace negotiating and bargaining processes apply when work in the workplace is at risk of stopping.
- While furloughed apprentices, just like other staff members, do not work for the employer they can still take part in learning and training as long as it doesn't provide services or generate revenue for the employer.
- Furlough can be backdated to starts from 1 March 2020 and applies to apprentices who have been on the payroll since at least 19 March 2020.
- Furlough can last at least three weeks with possible extensions.

The TUC has further [advice](#) on furlough on their website.

Redundancy

Furlough is undoubtedly a preferable option to redundancy or unpaid leave. The DfE aspires to find alternative employment within 12 weeks for apprentices who have been made redundant. The DfE guidance mentions that “the training provider must support the apprentice to find another employer” and training providers must help with this process. The government is currently considering whether the 12-week period should be extended.

Working and learning from home

Where the employer instructs apprentices to work from home, they need to provide appropriate equipment to do so. Employer's working from home (WFH) policy has more detail on what this entails. As mentioned above, apprentices' off-the-job training takes place during working hours. The training provider will be able to advise what the remote learning arrangements are and how the learning is recorded for OTJ. Where OTJ cannot be provided remotely a break in learning can be an option.

TUC has [guidance](#) on good homeworking practice and ACAS offers [guidance](#) on for both employers and employees.

Action points:

- Confirm with the employers and the training provider how off-the-job (OTJ) training is going ahead and consider with the apprentice whether the training delivers the appropriate skills and competences
- To retain staff through the use of furloughing is a viable option for apprentices and employers have an option to apply for government funding
- If apprentices are on a break confirm the length of the break and its impact on the end date of the apprenticeship
- Discuss arrangements for end-point assessments and whether there's a rescheduling needed and the potential impact of this on the end date
- Check how functional skills English and maths support and assessments have been arranged
- If the apprenticeship is on a break and the apprentice is doing a substantial role in the organisation, they need to be paid according to the pay band/grade of that role
- If employer chooses to go ahead with redundancies every effort should be taken to find the apprentice a new apprenticeship – the Department for Education and the training provider must help with the process
- When apprentices are working and learning at home, they need extra support to have the necessary equipment and unions should be consulted about any working from home policies.

The TUC has produced comprehensive [guidance](#) for union reps on workplace issues in the context of Covid-19 pandemic.

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Options for apprentices at work

Options	Training/learning	Employment	Pay
Apprenticeship continues as usual	Continues as per commitment statement and training plan	Continues as per employment contract	As per contract
Apprenticeship continues with a break on training	A break of up to four weeks keeps things as they are; four weeks and over means new end date and planning for new EPA dates	Continues as per employment contract unless longer than four-week break lengthens apprenticeship and therefore employment contract too	As per contract
Apprentice is laid off, on leave of absence – furlough Union collective bargaining/consultation issue	Can continue training but apprentice doesn't provide services or generate revenue for the employer	Employment continues but apprentice doesn't do work for the employer	Payment at least 80% of pay when employer applies for government grant or higher if agreed and minimum of AMW/NMW/NMW for training hours
Redeployment Union collective bargaining/consultation issue	Break – see above so no training No break – OTJ requirement need to be fulfilled	Continues but with different role – should be updated in contract unless short term	Payment according to the job role/grade/pay band. New terms and conditions may apply.

Note that any other employment related changes, such as redundancy, are union bargaining and consultation issues.