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| Preventing misuse of the term “apprenticeships” and “apprentice” in relation to unauthorised training |
| TUC response to the consultation |

Response

The TUC is the umbrella body for 54 affiliated trade unions representing 6.2 million workers in Britain.

Tackling youth unemployment is an important issue for trade union members and their families. Young people are particularly vulnerable to exploitation and trade union representatives have a strong track record in supporting Apprentices to make the transition into secure employment. The TUC is committed to ensuring that young people have access to high quality learning and skills opportunities which lead to secure, sustainable, fairly paid employment. Unionlearn, the learning and skills arm of the TUC, has published a charter of best practice for Apprenticeships[[1]](#footnote-1), which assists unions to negotiate high quality apprenticeships with employers and providers.

The TUC welcomes this consultation on preventing misuse of the term ‘apprenticeships’ and ‘apprentice’ in relation to unauthorised training. It is welcome that the government is proposing to introduce a safeguard with the aim of preventing poor quality training being passed off as an Apprenticeship.

The TUC welcomes the government proposal to make it a criminal offence to deliver poor quality training under the Apprenticeship brand. This should deter unscrupulous providers from setting up poor quality training programmes, which in turn will eliminate some of the poor quality Apprenticeship provision. **However, this should be an initial step in a continuous drive to improve the quality of Apprenticeships.**

Trade unions are key advocates of high quality Apprenticeships. They represent the views of apprentices in the workplace and negotiate with employers and providers to develop robust, holistic, high quality apprenticeship programmes. Because of this it is important that trade unions are represented within any structures which will determine the standards that must be met before the term “Apprenticeship” can be used. Trade unions should also be involved in any governance body which is responsible for monitoring compliance with these standards.

It is vital that key stakeholders of the Apprenticeship system play a role in setting the standards that must be complied with, before a training programme can be badged as an Apprenticeship.

Evidence of poor quality provision

The TUC is supportive of the broad scope of the current apprenticeship reform. However, there is evidence that Apprenticeship funding is being misused to provide poor quality training, in particular narrow workplace training for existing employees which clearly falls outside the Apprenticeship definition outlined by this consultation[[2]](#footnote-2):

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| *“An apprenticeship is a job with high quality training. It allows the apprentice to gain technical knowledge, real practical experience and* ***wider skills required for their immediate job and future career.*** *These are acquired through a mix of learning in the workplace, formal off the job training and the opportunity to practice new skills in a work context.* ***This broad mix of transferable skills gained differentiates Apprenticeships from training delivered to meet narrowly focused job needs”*** |

Large scale delivery of short duration Level 2 apprenticeships are prevalent in some sectors, for example, retail, where normal workplace training would have been provided in any case. The Panorama programme exposing the Morrisons apprenticeship programme was a good example of this and highlighted how Apprenticeship funding was being misused to fund “deadweight” workplace training.

The implementation of SASE which stipulated that apprenticeships must be at least 12 months in duration reduced the risk of poor quality, short duration apprenticeships. The protection of the term “Apprenticeship” should minimise the risk of such scenarios developing in the future.

Employers not excluded from the scope of the offence

The TUC believes that employers who fund their own apprenticeships **should not** fall outside the scope of the offence. Employers who choose to brand their own training as “Apprenticeships” may provide training which is not up to the required high quality standard of an Apprenticeship. Poor quality training badged as an “Apprenticeship” risks tarnishing the wider brand of Apprenticeships, regardless of who is responsible for funding the provision. This could discourage both potential apprentices and employers from becoming involved in the Apprenticeship programme.

With the forthcoming implementation of the apprenticeship levy and uncertainty about funding models, it should be made absolutely clear that wherever the term Apprenticeship is used, high quality standards must be complied with.

Additional safeguards

The two key proposals underpinning current Apprenticeship policy include a commitment to create three million apprenticeship opportunities over this parliamentary term and the commitment to introduce a training levy, which will increase employer investment in Apprenticeships. In principle, these policies are welcome. However they must go hand in hand with the implementation of safeguards to protect and improve the quality of Apprenticeships as well as safeguards to ensure the increased resources dedicated to Apprenticeships are not fraudulently misused by unscrupulous providers and employers.

The TUC believes that in addition to punishing providers for passing off poor quality training as an “Apprenticeship” further steps should be taken to minimise the chances of poor quality Apprenticeship provision materialising. The TUC believes that further effective steps should be considered in addition to the deterrent being proposed under this consultation.

A newly created criminal offence will only act as an effective deterrent if it is accompanied by;

* 1. a proportionate punishment which deters unscrupulous providers;
	2. a well promoted, effective mechanism that enables all relevant stakeholders to report potential offences;
	3. The subsequent effective investigation of offences and enforcement of suitable punishments.

Therefore, the TUC believes that in addition to the creation of an offence, further actions should be taken to ensure the effectiveness of the proposed legislation. In particular, options (b) and (c) under paragraph 28 of the consultation paper should also be adopted.

A complaints hotline should be setup so that employers, apprentices, parents, trade unions and any other concerned parties can raise concerns about poor quality Apprenticeship provision. A commitment to implementing a “whistle blowing” line has been made in the Trailblazer Statement on Apprenticeship quality and would provide stakeholders with an easy, effective route to report poor quality provision. The launch of the hotline should be accompanied with a promotional campaign. Details of the hotline should be given to Apprentices before they commence their Apprenticeship and embark on their new careers.

Alongside measures to punish those providers misusing the term Apprenticeships there should be greater promotion of the SFA statement on Apprenticeship quality[[3]](#footnote-3) and the Trailblazer statement on Apprenticeship quality.[[4]](#footnote-4) There is currently a lack of awareness about what is meant by “good quality” Apprenticeships, or in some cases a blatant disregard of these standards by providers and employers.

Whilst making it an offence to misuse the Apprenticeships brand will act as a deterrent to unscrupulous providers and raise the quality of Apprenticeship provision, raising awareness of and publishing and promoting guidance outlining what is meant by high quality Apprenticeships would also improve the quality of Apprenticeship programmes.

For example there is still evidence that despite the recently introduced requirement that Apprenticeships last a minimum of 12 months, for too many Apprentices, this is not the norm. Flexibilities remained in the system to enable 19+ learners to complete Apprenticeships in less than 12 months. The rationale for this was to make Apprenticeships more attractive to older learners, who had some prior knowledge or learning. Therefore up to a third of 19+ Apprentices completed their apprenticeship in less than one year.

This loophole has now been closed. Notwithstanding this development**,** 21%[[5]](#footnote-5) of 16-18 year olds still complete their apprenticeship in less than one year[[6]](#footnote-6). This is indicative that further work needs to be done to raise awareness of what constitutes high quality Apprenticeships and the need for effective enforcement of these standards.

Tackling the breach of NMW pay for apprentices

To raise the quality of Apprenticeships, further work also needs to be undertaken to tackle low pay and pay which is in breach of the National Minimum Wage legislation, which is rife amongst apprentices. The [Apprenticeship Pay Survey](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387319/bis-14-1281-apprenticeship-pay-survey-2014.pdf) showed that 14% of all apprentices, and 24% of young apprentices, were being paid below the apprenticeship minimum wage in 2014; this practice can have a devastating effect on the reputation of apprenticeships as a viable educational route. Government must continue to crack down swiftly and firmly on any instances of abuse which are identified.

Apprenticeship Agreements to entrench “high quality”

Steps should be taken prior to Apprenticeship funding being drawn down by providers, to prevent poor quality Apprenticeships materialising in the first instance. The TUC believes that the use of training plans or Apprenticeship Agreements, which set out the details of the Apprenticeship and in particular, how provision will be good quality, should be used. These plans would be signed off by the relevant parties; employer, apprentice, provider and where relevant the trade union. Providers could then access the funding. This would greatly reduce the scope for poor quality Apprenticeship provision.

“Naming and Shaming”

The “naming and shaming” exercise, which has been applied to employers who breach National Minimum Wage legislation, should also be applied to providers and employers who misuse the term Apprenticeship and deliver poor quality Apprenticeship provision. This would act as a deterrent to employers and providers who are not willing to comply with the standards required to deliver high quality Apprenticeships.

1. <http://www.unionlearn.org.uk/campaigns/apprenticeships/charter-apprenticeships> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/449066/BIS-15-405-consultation-on-preventing-misuse-of-the-term-apprenticeship.pdf>, paragraph 18 [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393819/Statement-on-Apprenticeship-QualityV1.pdf> [↑](#footnote-ref-3)
4. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411872/Quality_Statement.pdf> [↑](#footnote-ref-4)
5. [https://www.gov.uk/government/publications/apprenticeship-reforms-equality-impact-assessment - table1](https://www.gov.uk/government/publications/apprenticeship-reforms-equality-impact-assessment%20-%20table1), page 13 [↑](#footnote-ref-5)
6. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/357005/Bis-14-970-Reformed-apprenticeships-equality-impact-assessments1.pdf> [↑](#footnote-ref-6)