

# Response ID ANON-8RKE-6AJX-K

Submitted to **Flexi-Job Apprenticeships: Reshaping the role of Apprenticeship Training Agencies**

Submitted on **2021-05-28 12:08:55**

## Introduction

### 1 What is your name?

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### 3 What is your organisation?

**Organisation:**

Unite the Union

### 4 Are you responding as an individual or on behalf of an organisation?

Organisation

### 5 Can we publish your response?

Publish my response, including my name

Yes

### 6 Would you like us to keep your responses confidential?

No

**Reason for confidentiality:**

## Overview

### Our vision for flexi-job apprenticeships

### 7 Do you agree with our vision for flexi-job apprenticeship schemes?

**Do you agree with our vision for flexi-job apprenticeship schemes?:**

Whilst Unite does not object to the concept of shared apprenticeship schemes and group training organisations, we are not convinced by or comfortable with the term 'flexi-job' to encompass these as described in answer to question 11 below. Established examples are those cited in the DfE's analysis above, i.e. Cogent, and the CITB developed shared apprenticeship scheme in construction and the built environment.

Taking the example of the Cogent scheme, this has been developed over several years, by industry for industry, with full industry, employer and trade union participation and governance, enabling high quality apprenticeship placements and terms and conditions of employment.

A previous example of best practice in the UK was the ECITB's NASEC (National Apprenticeship Scheme for Engineering Construction), which the joint trade unions in Engineering Construction have proposed to the employers' side is given consideration in being revived to increase apprentice intake as the economy emerges from the pandemic.

The traditional apprenticeship model is understood and works well in many sectors, e.g. Building Services Engineering. We would not want to see the successful delivery of apprenticeships tainted or damaged in such sectors by the emergence of sub-standard schemes which undermined the established and respected models already in place. The schemes being discussed should therefore supplement and not undermine the existing system.

Moreover, they should have full employers' association, sector skills and trade union involvement. Thousands of experienced Unite accredited workplace representatives work with apprentices and facilitate the effective mentoring and delivery of quality apprenticeships every day, and would not tolerate exploitative and/or sub-standard schemes being introduced on their sites.

### 8 How should flexi-job apprenticeships demonstrate that they are meeting the needs of employers?

**How should flexi-job apprenticeships demonstrate that they are meeting the needs of employers? :**

Unite believes that such schemes should be sectoral/industry run and governed, i.e. they have first-hand professional experience of the employers and sector they will be dealing with. The schemes should follow national apprenticeship standards, as defined by the recognised industry and employer groups approved by IfATE. They should be subject to periodic review to ensure quality and rigour, and be subject to a regulatory regime similar to established systems already in place for Training Providers under the central Register of Apprenticeship Training Providers (RoATP), those providers in turn being monitored by Ofsted. The

schemes should be able to demonstrate that they can engage genuine, committed employers whom for certain reasons, e.g. continuity of workload, have been unable to offer conventional apprenticeship vacancies, and should be subject to regular audit and quality checks, external verification, etc. as registered Training Providers are.

## **9 What expectations should we set of flexi-job apprenticeship schemes in providing a high quality experience for apprentices?**

### **What expectations should we set of flexi-job apprenticeship schemes in providing a high quality experience for apprentices? :**

The needs of the apprentice must take precedence so that they are not simply shoved from pillar to post being utilised as 'top-up' labour to the detriment of their learning and training journey. Traditional apprenticeships are structured exactly the way they are because they are able to blend on-the-job and off-the-job learning, the apprentice then applying the off-the-job learning at the workplace in a structured manner, and throughout the duration of their apprenticeship meeting the requirements of building up a portfolio of evidence towards occupational competency through the variety of works encountered on that learning journey. Schemes must have robust systems in place to ensure this remains the case for apprentices under their remit. Likewise employers who engage should have full appreciation and commitment in ensuring apprentices receive meaningful and measurable experience.

There should be rigorous safeguarding, health and safety, and quality requirements in place, ensuring schemes and employers have the necessary insurances, as required of Training Providers under Ofsted, for example.

Furthermore, what happens if the scheme is unable to offer suitable work placements? Organisations should be able to demonstrate a robust business model that demonstrates ongoing demand, to deliver continuity of employment and assignments for the apprentices concerned. This is in order to eliminate or significantly mitigate potential for redundancies and the consequent non-achievement of the apprenticeship, and the negative disruption such scenarios cause to the learners and future skills demands of UK industry.

Unite fully supports the TUC's calls for the UK Government to create a "right to complete an apprenticeship" guarantee. An apprenticeship continuity guarantee for existing apprentices should go hand in hand with initiatives to generate more apprentice starts. As stated elsewhere in this submission, apprenticeship completions are just as important, if not more so, than starts in regard to addressing skills shortages and skills gaps.

Employers should be assessed for their suitability to engage with such schemes, including appropriate health and safety requirements being in place, the quality and content of the work they intend the apprentice to undertake, and likewise are expected to provide, and to mitigate potential for exploitation of apprentices by unscrupulous employers.

Examples of best practice apprenticeships in the UK have trade union participation and social-partnership, including through collective agreements within workplaces or the industry concerned, ensuring decent apprentice pay and terms and conditions of employment. Such apprenticeships have higher achievements and lower drop-out rates. This is no coincidence and Unite would state here that a "high quality experience for an apprentice" should include collectively bargained progression-based prevailing rates of pay, terms, conditions, benefits and allowances etc., not just bare minimum criteria.

It is imperative that effective entry criteria, screening and monitoring of schemes is in place to stop 'fly-by-night' practices emerging. Unite were made aware by a respected ATA of their being approached by an employment business recruitment agency, who wanted the ATA to enrol HM Forces veterans as apprentices, and pay them the apprentice national minimum wage (currently £4.30 per hour for anyone in the first year of their apprenticeship regardless of age), and then hire them out at £17 per hour. The ATA rightly declined this exploitative proposition and would not assist in facilitating it. However, this example shows the pitfalls that can emerge from unscrupulous quarters if a robust system is not in place, and as already described, our members and workplace representatives would not tolerate such practices if they came across them in their workplaces.

A further concern Unite has is in regard to ensuring consistent mentoring of apprentices on such schemes. Whilst a traditional apprenticeship model gives stability and continuity, and the building of good working relationships within a company, there is a risk of the schemes being proposed being negatively peripatetic if not designed and managed properly.

It should be remembered that effective mentoring and supervision by the employer, supervisors, and occupationally competent workers, teachers, trainers and assessors both on-the job and off-the-job, are a fundamental principle and essential part of delivering a successful apprenticeship programme and outcomes. Staff and workers involved in the apprenticeship should receive training and support in effective mentoring skills. Systems should also importantly include the facility for apprentices to access to pastoral care / support, provided by the employer, training provider or industry (or a combination of these) for the wellbeing and safeguarding of the apprentice (not least in regard to young people undertaking apprenticeships, their age and inexperience making them vulnerable workers).

## **10 What challenges and opportunities are relevant to flexi-job apprenticeship schemes achieving financial sustainability? How might they balance a fee-based model with other income streams?**

### **What challenges and opportunities are relevant to flexi-job apprenticeship schemes achieving financial sustainability? How might they balance a fee-based model with other income streams?:**

Ideally, schemes should be linked to robust procurement, e.g. clients and local authorities awarding contracts stipulating apprenticeships as part of contract compliance, through traditional methods, and utilisation of apprentices by relevant contractors in the supply chain. The facility to draw on shared pools of apprentices could be particularly helpful for micro and small enterprise firms and contractors who cannot commit to long-term apprenticeships due to medium to long term order book stability, in order for them to meaningfully engage with the apprenticeship agenda, whilst fulfilling contractual commitments. When these business models are considered, the Department should be cognisant that inevitably some employers who engage with such schemes will build a rapport with the apprentice and may wish to take them on full-time, and, conversely, the apprentice wanting to join that employer as a direct employee. Facility for a successful and orderly transfer of the apprenticeship in such instances should therefore be considered and built into the system with minimal obstacles to facilitate this. How funding is accessed would need to be designed to take into account the wide range of costs for delivering an apprenticeship properly, and these need to be factored in at the outset. For instance, many advanced Level 3 apprenticeships in engineering, manufacturing, construction and science related occupations typically have a duration of 36 or 48 months or longer, and schemes should ensure they can demonstrate to government and industry that this can be achieved before embarking upon offering such placements. Finances should be designed to fully cover all eventualities: if an apprentice experienced downtime, the off-the-job learning element, apprentices securing full-time positions with an employer, there are a plethora of issues to take into account. Ideally schemes would work very closely with, or be connected to, established sectoral and industry providers, as this could then create significant cost efficiencies by eliminating duplication.

## **11 Does the name flexi-job apprenticeship scheme accurately describe our vision for these organisations and the role they will play? Would you propose any alternative names?**

**Does the name flexi-job apprenticeship scheme accurately describe our vision for these organisations and the role they will play? Would you propose any alternative names?:**

Unite believes the term 'flexi-job' attached to the title of an apprenticeship would cheapen and demean the apprenticeship brand, and serve to detract from the apprenticeship, and, furthermore, could raise suspicion and hostility from employers, learners and parents / guardians alike around the quality of schemes labeled as such, and therefore reluctance in engaging with them.

The term "flexi" immediately brings to mind thoughts of the 'gig economy' and precarious employment. Shared apprenticeship and ATA models are nothing new, and historically such initiatives were run by some GTAs (Group Training Associations) within industry. Furthermore, existing ATAs who wish to retain the term 'ATA' should be allowed to do so. We would also strongly suggest that 'Group Training' or 'Shared Apprenticeship Scheme' are much more accurate terms for this model. In Australia the GTO (Group Training Organisation) model is used widely in industry. An example of a best practice industry based GTO is Electrogroun in Queensland (which operates as both a Training Provider for wider industry, and as an employer of a group pool of apprentices as discussed). The ECA employers, Unite, JTL and the JIB have close links to Electrogroun fostered over the years through the JIB Apprentice Exchange programme. See here for more information on Electrogroun: <https://www.electrogroun.com.au/>

**12 Do you have any views on our proposals for portable apprenticeships, including on how portable apprenticeships and flexi-job apprenticeships schemes can complement each other?**

**Do you have any views on our proposals for portable apprenticeships, including on how portable apprenticeships and flexi-job apprenticeships schemes can complement each other?:**

Unite is not convinced by the proposal for 'portable apprenticeships' without further detail of what safeguards will be in place to make successful completion of the apprenticeship in a timely manner a realistic prospect, and safeguards are in place to eliminate scope for exploitation. What appears to be being suggested is distinctly different to group, ATA and shared apprenticeship scheme models discussed in question 11.

Unite is concerned that if not governed and managed correctly, such schemes could lead to 'stop and start' apprenticeships, where a significant risk of learners becoming disillusioned would exist, leading to them securing situations elsewhere in between jobs and assignments, and never completing their apprenticeships. Unite does not want to see an emergence of precarious employment 'gig economy' scenarios within the apprenticeship system.

Unite notes reference to the creative industries in regard to portable apprenticeships. Any portable schemes piloted should be closely governed by the relevant employers' associations, trade unions and sector skills bodies (e.g. ScreenSkills in Film and TV).

There is genuine concern around introducing a portable model in UK construction, whereas the aforementioned shared apprenticeship schemes are understood in construction and the built environment, as are GTA models. Under GTAs and industry providers, an apprentice works full-time and learns within a close-knit industry training provider for one employer, for example, JTL in Building Services Engineering. These successful models should be supported and developed, and nothing introduced that could potentially undermine them and their long term success and proven delivery models through to successful achievements. Moreover, adult learners who may require more flexibility can already follow VQ programmes to an industry recognised equivalent to the apprenticeship.

Unite trusts that the Department for Education will fully take into account the drive by the ILO (International Labour Organisation) for quality apprenticeships and that any proposals will be compliant with existing and forthcoming ILO international standards. It is anticipated that the ILO will agree and then publish a Convention and/or Recommendation(s) regarding a framework for quality apprenticeships from 2022.

In regard to defining genuine apprenticeships, item 46 of the ILO's R117 - Vocational Training Recommendation, 1962 (No. 117) clearly states: "Systematic long-term training for a recognised occupation taking place substantially within an undertaking or under an independent craftsman should be governed by a written contract of apprenticeship and be subject to established standards."

Unite would not want to see a model emerge that goes against the established inalienable principles of what constitutes a genuine and quality apprenticeship, alongside in the UK the Apprenticeship Statement of Commitment, Individual Learning Plan, Contract of Employment, remunerated 20% off-the-job learning, minimum hours and minimum durations. By definition, apprenticeships require a steady systematic flow of work and experience, integrating on-the-job and off-the-job elements in a structured, coherent and timely manner.

**Operating framework for flexi-job apprenticeship schemes**

**13 Do you agree that we should create a register of approved flexi-job apprenticeship schemes?**

**Do you agree that we should create a register of approved flexi-job apprenticeship schemes?:**

Yes, this is essential and should be robust, and not a "light touch" model. As described in answer to question 8, rigorous systems of monitoring for effective safeguarding, quality, compliance and outcomes should be in place, as, for example, comparable registered apprenticeship Training Providers are required to be under the RoATP and Ofsted.

**14 What entry criteria do you think we should establish for admission to this register in order to ensure that approved flexi-job apprenticeship schemes meet our vision?**

**What entry criteria do you think we should establish for admission to this register in order to ensure that approved flexi-job apprenticeship schemes meet our vision ? :**

Entry criteria should require bodies to be industry governed with relevant employers, skills body and trade union participation and support, established as social partnership enterprises and not-for-profit (i.e. companies limited by guarantee and charitable trusts). Entry criteria should require the applicant scheme to demonstrate sound knowledge and experience in a given sector. Financial checks, screening, and DBS checks on all staff, directors and trustees should be required as a matter of course. Furthermore, in regard to the structure of the scheme, as a best practice example, GTA England give a specification of what constitutes a GTA as follows: "Typically, a GTA is a company limited by guarantee and a registered charity whose objects require that surpluses be reinvested" (source GTA England: <http://www.gta-england.co.uk/what-is-a-gta/>). Unite would not want to see commercially driven employment businesses setting such schemes up (the example given in answer to question 9 regarding exploitative practices around veterans being a case in point) with a potential danger for a 'hire and fire' mentality then emerging in the UK apprenticeship system. Apprenticeship achievement rates are as equally important, if not more so, than apprenticeship starts, in order to address UK skills shortages and skills gaps moving forward, so successful outcomes must always be the primary goal.

**15 How do you think the performance and quality of approved flexi-job apprenticeship schemes should be monitored and assured after admission to the register?**

**How do you think the performance and quality of approved flexi-job apprenticeship schemes should be monitored and assured after admission to the register?:**

As described in answer to questions 8 and 13, rigorous systems of monitoring for ongoing effective safeguarding, quality, compliance and outcomes should be in place, as, for example comparable registered apprenticeship Training Providers are required to be under the RoATP and Ofsted. Unite is happy to offer the DfE our assistance for facilitating direct detailed discussions between the DfE and subject matter experts on these proposals at the likes of Cogent, the National Manufacturing Skills Task Force, Enginuity, JTL, TESP (the Electrotechnical Skills Partnership), and the CLC (Construction Leadership Council) and their constituent stakeholder partners.

**16 To assure the quality of flexi-job apprenticeship schemes, should schemes entry to the register set out the standards they can offer to apprentices? What process should we develop to enable schemes to change the standards they offer?**

**To assure the quality of flexi-job apprenticeship schemes, should schemes entry to the register set out the standards they can offer to apprentices? What process should we develop to enable schemes to change the standards they offer?:**

Yes, the Apprenticeship Standards being trained for should be clearly stated and unambiguous, directly linking to the relevant IfATE standards in question, so that potential applicants and employers engaging with the scheme/organisation are fully aware of what is on offer and what recognised occupational outcomes are covered prior to application. There should be a rigorous process in place if an organisation wished to withdraw from offering certain standards, so that apprentices suffered no detriment and are able to continue on their chosen pathway. Likewise, organisations should be assessed for suitability if they wished to offer new Apprenticeship Standard routes (e.g. organisations - should be specialists within a given industrial field or sector). Furthermore, acting as employers as well as intermediaries, Schemes should be bound to the Apprenticeship Statement of Commitment, Individual Learning Plan, and Contract of Employment, as any normal employer would be.

**17 Do you have any concerns about the closure and withdrawal of the dormant register of ATAs?**

**Do you have any concerns about the closure and withdrawal of the dormant register of ATAs?:**

Full and meaningful consultation with existing ATAs / shared schemes should take place on this to ensure that current best practice is identified and they are not detrimentally impacted.

**£7m fund for flexi-job apprenticeship schemes**

**18 Do you agree with the parameters we have proposed for how any funds awarded should be used?**

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**19 Are there any capital costs that a new or expanding flexi-job apprenticeship scheme might require funding for?**

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**20 Should there be a difference in how new or existing organisations are permitted to use the fund?**

**Should there be a difference in how new or existing organisations are permitted to use the fund?:**

As per question 17, full and meaningful consultation with existing ATAs / shared schemes should take place on this to ensure that current best practice is identified and they are not detrimentally impacted.

**21 Should any additional parameters to the fund be added to encourage employer engagement – for example, pledged levy funds or matched co-funding for set up or expansion costs?**

**Should any additional parameters to the fund be added to encourage employer engagement – for example, pledged levy funds or matched co-funding for set up or expansion costs?:**

**22 Do you have any views about the implications of the proposals set out in this consultation on people with protected characteristics, as defined in section 149 of the Equalities Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impacts identified?**

**o you have any views about the implications of the proposals set out in this consultation on people with protected characteristics, as defined in section 149 of the Equalities Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impacts identified?:**

Criteria for the awarding of funds should fully support the removing of barriers to underrepresented, disadvantaged and marginalised groups, supporting greater diversity and access to apprenticeship opportunities and placements.