

<b>Subject:</b>	<b>APPRENTICESHIP, GRADUATE PLACEMENT AND WORK EXPERIENCE SCHEMES, POLICIES AND ASSOCIATED CONTRACT/ AGREEMENTS</b>
<b>Meeting and Date:</b>	<b>Joint Staff Consultative Forum – 2 May 2012</b> <b>Cabinet – 14 May 2012</b> <b>General Purposes Committee – 14 May 2012</b>
<b>Report of:</b>	<b>Nadeem Aziz, Head of Paid Service</b>
<b>Portfolio Holder:</b>	<b>Councillor Kit Smith, Portfolio Holder for Skills, Training and External Relations</b>
<b>Decision Type:</b>	<b>Non-Key</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Purpose of the report:</b>	<p>To adopt three policies and associated contract/agreements for:</p> <ol style="list-style-type: none"> <li>1. Apprenticeship – Contract of Apprenticeship</li> <li>2. Graduate/Internship Placement</li> <li>3. Work Experience</li> </ol> <p>The role of Cabinet is to determine whether to adopt the overall scheme (i.e. Apprenticeship/ Graduate/Internship Placement and Work Experience) and to determine the terms and conditions upon which Work Experience Placements are offered since students engaged in this way will not be officers of the Council appointed under s.112 of the Local Government Act 1972</p> <p>The role of General Purposes is to determine the terms and conditions upon which Apprentices and Graduate/Internship Placements hold office as, notwithstanding that they will not all be employees in the accepted sense, they will be appointed as officers of the Council under section 112 Local Government Act 1972.</p>
<b>Recommendation:</b>	<p>Cabinet approve option 1:</p> <ol style="list-style-type: none"> <li>(1) That the Modern Apprenticeship policy as outlined at Appendix 1 is adopted, working with K-College as our preferred partner and adopting the apprenticeship agreement.</li> <li>(2) That the Graduate Placement Policy as outlined at Appendix 2a is adopted</li> <li>(3) That the Work Experience Policy as outlined at Appendix 3 is adopted</li> <li>(4) That for Work Experience, travelling expenses from home to the Council office is paid at the DDC car mileage rate as</li> </ol>

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outlined in the Conditions of Service.

- (5) That Chief Executive (as Head of Paid Service) is responsible for ensuring that the overall scheme is kept up to date and is authorised to make minor amendments to reflect changes in the legislation, working practices within the Council and job titles, with material considerations being referred back to the Council.
- (6) That the Head of Paid Service or Director of Governance are authorised to approve:
  - (a) tripartite contractual agreements (contract for apprenticeship) between the Council, an apprentice and K-College or other training partners
  - (b) such other contracts as may be necessary to give effect to the arrangement

General Purposes Committee agrees

- (1) That the Council provides four apprenticeship training contracts per year, linked to an appropriate NVQ qualification.
  - (2) That Chief Executive (as Head of Paid Service) is authorised to finalise the model apprenticeship agreement and the contract for Graduate/Internship Placements.
  - (3) That apprentices are paid at 1.5 x the National Minimum Wage for apprentices for the first year and at the National Minimum Wage for their age for any apprenticeships that continues into year 2.
  - (4) That for Graduate/Internship Placements, travelling expenses from home to the Council office is paid at the DDC car mileage rate as outlined in the Conditions of Service.
  - (5) That the Head of Paid Service or Director of Governance are authorised to approve:
    - (a) tripartite contractual agreements (apprenticeship agreement) between the Council, an apprentice and K-College or other training partners
    - (b) such other contracts as may be necessary to give effect to the arrangement
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## 1. Summary

- 1.1 Youth unemployment and specifically the difficulty faced by many people in gaining the necessary work experience to secure future employment is of real concern across this country and is equally of concern to this Council.

- 1.2 This Council has a work force with an age profile, which is significantly weighted towards over 50s, which it also wishes to address. DDC support the development of skills through this scheme and its policies, which are primarily aimed at the youth sector of the district, but DDC will consider all candidates based on the potential size of impact that the training would have on the future of the organisation. The primary intent of DDC's scheme and policies is to add skills to underpin the long term viability of the employment pool in the district.
- 1.3 It is recognised as a difficult cycle to break. As a key employer in this District, with an important community role, this Council has the capacity to offer some opportunities for people to gain experience in the working environment. This is through three avenues: an apprenticeship training contract programme, linked to an approved NVQ qualification; Graduate/Internship placement scheme with appropriate agreements and a Work Experience scheme.
- 1.4 Working collaboratively, Corporate Management Team, Unison and the East Kent HR Partnership have developed this scheme and the three policies. This report seeks approval for the scheme and its three policies:
- Appendix 1 – Modern Apprenticeship Policy
  - Appendix 2a – Graduate/Internship Placement Policy
  - Appendix 3 – Work Experience Policy
2. **Introduction and Background**
- 2.1 Through collaborative working Corporate Management Team, Unison and the East Kent HR Partnership have developed a workable and supportive scheme to give people the opportunity to gain valuable work experience.
- 2.2 These three schemes have been developed with an understanding that resources across the Council are stretched, as budgets are subject to tight constraints. However, this Council has a key community role and recognises the need to help people to get a start in the work environment. DDC will create work experience opportunities for people.
- 2.3 None of these opportunities is to replace a full time position within the Council, but instead to provide training and development. These opportunities are not to cover staff absence, maternity or long term sickness.
- 2.4 Members may be aware of the media headlines surrounding the government's Youth Contract package, which was announced by the Deputy Prime Minister on 2 April 2012 and, in particular, of the ongoing debate as to whether the measures are contrary to age discrimination legislation. The proposals contained in this report have been developed quite independently of 'Youth Contract' and were in the course of preparation several months before the announcement of that programme. Although it is hoped that the opportunities being put forward in this report will be of particular interest and benefit to young people it is not proposed that applicants should be denied an opportunity to participate because of age. It follows from this that the proposals should not attract the same criticisms as Youth Contract.
- 2.5 It is not intended that the policies proposed in this report should affect other training opportunities which the Council has offered from time to time such as those leading

directly to a recognised professional qualification eg Trainee Solicitor leading to qualification as a Solicitor.

### 3. Legal Position

- 3.1 An individual employed under a contract of apprenticeship is protected against unfair dismissal and enjoys employment protection just like an employee. However, contracts of apprenticeship involve heavier burdens for employers than ordinary contracts of employment as the whole purpose of such an arrangement is to provide training to the individual.
- 3.2 Usually contracts of apprenticeship are for a fixed term and can't be terminated early. Therefore, if an employer terminates the contract early, any damages payable for breach of contract are potentially much greater than damages for breach of an ordinary employment contract. In addition, the apprentice could be entitled to be compensated not just for loss of wages to the end of the contract but also for loss of the training opportunity and loss of status.
- 3.3 In recent years "modern apprenticeships" have involved an employer, an apprentice and a third-party training provider entering into a tri-partite agreement: the apprentice works for the employer and receives training leading to a recognised qualification provided by a central body.
- 3.4 Apprentices were originally excluded from the national minimum wage (NMW) but, in October 2010 an apprentice rate was introduced for apprentices under 19 or in the first year of their employment. Once an apprentice is aged 19 or over and has completed a year of their apprenticeship, they are then entitled to the NMW rate for their age.
- 3.5 The position outlined in paragraph 3.2 above has been modified by section 35 of the Apprenticeship, Skills, Children and Learning Act 2009
- 3.6 The Apprenticeship, Skills, Children and Learning Act 2009, provides that an "apprenticeship agreement", which satisfies the conditions of the Act is to be regarded as a contract of service not a contract of apprenticeship for common law or statutory purposes.
- 3.7 The Act provides that an agreement will be an "apprenticeship agreement" if:
  - the apprentice undertakes to work for the employer under the agreement
  - the agreement is in the prescribed form and the agreement states that it is governed by the laws of England and Wales (see para. 3.8)
  - the agreement states that it is entered into in connection with a qualifying apprenticeship framework
- 3.8 The Apprenticeship (Form of Apprenticeship Agreement) Regulations 2012 came into force on 6 April 2012, which set out the "prescribed form" of the apprenticeship agreement. The regulations don't provide an example document, the regulations simply say that that apprenticeship agreements entered into under the Act must contain the basic terms of employment required to be given to employees under section 1 of the Employment Rights Act 1996. This could be in the form of a written statement of particulars of employment, a written contract of employment or a letter of engagement. In addition, the regulations state that the prescribed form of

agreement must contain a statement of the skill, trade or occupation for which the apprentice is being trained under the apprenticeship framework.

#### 4. Overview of the Schemes

- 4.1 **The Modern Apprenticeship scheme.** DDC has joined with K-College (as our preferred partner) to provide four apprenticeship opportunities per year; in turn K College will help to identify suitable candidates and short list. The Modern Apprenticeship Policy is provided at Appendix 1, an apprenticeship agreement will be developed based on best practice available. As part of the training contract the apprentice will also work towards an appropriate NVQ at level 2 or 3, which will be arranged and managed by K-College.
- 4.2 The Apprenticeship, Skills, Children and Learning Act 2009 introduced the 'Specification of Apprenticeship Standard for England' (SASE). The SASE set out the minimum requirements to be included in a recognised English Apprenticeship Framework. Issuing Authorities, designated by the Secretary of State, are responsible for ensuring that only those Apprenticeship frameworks, which comply with SASE are issued as recognised English Apprenticeship frameworks. It is intended that the apprenticeships offered by the Council will fall within a recognised English Apprenticeship Framework.
- 4.3 The length of each apprenticeship will normally be between 12 months and 2 years depending on the NVQ qualification. There will be a Training Contract for each apprenticeship. It is proposed that the training pay rate is set at 1.5 x the National Minimum Wage for apprentices. This will equate to (£3.90 per hour) £144 per week based on current rates and has been set at this level to cover the cost of travel to college for the apprentice, to attract the best candidates and to avoid the need to increase the pay rate in year to reflect the increasing contribution made to the organisation by the apprentice. For any training contract that run for more than 12 months, the apprentice will be paid at the National Minimum Wage for their age, but remain on an apprenticeship agreement.
- 4.4 The National Minimum Wage rates (from 1 October 2011) are currently as follows:
- £6.08 - the main rate for workers aged 21 and over
  - £4.98 - the 18-20 rate
  - £3.68 - the 16-17 rate for workers above school leaving age but under 18
  - £2.60 - the apprentice rate, for apprentices under 19 or 19 or over and in the first year of their apprenticeship
- 4.5 If any apprentice is required to travel outside District to attend college, the relevant Director will give consideration to genuine hardship cases.
- 4.6 **Graduate Placements.** People studying at university are not immune from employment difficulties. Either when leaving university or as part of their course, graduates are seeking placements with employers. Placements can be either a work-shadowing placement of up to 4 week's duration, where the individual observes the work undertaken by the Council's employees but does not perform any work for the benefit of the Council, except for doing some work for illustrative or learning purposes or an internship placement of up to 26 weeks duration where the individual

is expected to perform some work or provide some assistance to the organisation or to its employees, as well as work shadowing and attending training opportunities.

- 4.7 The Graduate/Internship Placement Policy is provided at Appendix 2a, with the Graduate/Internship Agreement (not a mutuality of obligation, therefore no contractual employment relationship) at Appendix 2b.
- 4.8 **Work Experience.** Engaging school pupils on work experience through short term experiences in the work environment offers an introduction to working life. The primary focus is to help prepare young people for a life in employment after education. This will usually (but not exclusively) involve young people under the age of 18. This Council will work with local schools to offer work experience opportunities for young people, which will expose young people to the working environment. The Council's child protection policies will be applied to ensure that young people are properly protected. The Work Experience Policy is provided at Appendix 3.
- 4.9 Effective mentoring is an important element of this scheme. Without this in place and provided effectively the apprentice, graduate or work experience will not gain the full benefit from their placement. This must be in place before an application will be considered.
- 4.10 The Chief Executive, through the Employment Stability Group, will ultimately approve all applications. The Application Form is provided at Appendix 4. A key requirement of all the three policies is for an effective proportionate work programme to be in place to support the young person. Each application will be assessed against the criteria outlined on the application form.
- 4.11 At the present time, two pilot modern apprenticeship schemes are in place, both agreed with the Trade Unions whilst this scheme and policy is being developed. One is an apprentice attached to the print unit, which is working extremely well and the second apprentice is in the Building Control Team and already the apprentice and mentor have worked together to move the apprentice from a NVQ level 2 to NVQ level 3. Once the scheme and policy is approved, these apprentices will be invited to move across to ensure that they fully benefit from the new scheme and contract

## 5. Identification of Options

- 5.1 Option One – to adopt the three schemes and policies as outlined at Appendices 1, 2a and 3. The Modern Apprenticeship scheme will involve an apprenticeship agreement as provided for by The Apprenticeship, Skills, Children and Learning Act 2009 so that the apprentice is an ordinary employee of the Council via a tripartite agreement with K-College.
- 5.2 Option Two – to choose adopt the three scheme and policies as outlined but modify to include an Apprenticeship scheme using a traditional contract of apprenticeship.

## 6. Evaluation of Options

- 6.1 Other than choosing not to adopt all three schemes, the area for further decision is in connection with the Modern Apprenticeship scheme where there is a need to decide whether we offer traditional contracts of apprenticeship or apprenticeship agreements as provided for by The Apprenticeship, Skills, Children and Learning Act 2009 in which case they fall by law to be treated as ordinary contracts of employment.

- 6.2 There are implications to both options. From the Council's point of view, an apprenticeship agreement, which complies with the 2009 Act, offers greater flexibility to dismiss for disciplinary or redundancy reasons. However, under such an agreement we would need to meet the Minimum Wage. From the point of view of an apprentice, he can only complete an English apprenticeship in relation to an apprenticeship framework within the meaning of the 2009 Act if he has been engaged under an apprenticeship agreement. He may therefore prefer this approach even though it would not give him the greater degree of security throughout his apprenticeship which, at least in theory, he would enjoy under a more traditional form of contract of apprenticeship.
- 6.3 An apprenticeship agreement fulfilling the requirements of the Apprenticeship, Skills, Children and Learning Act 2009, so that an apprentice is deemed to be working under a contract of service is recommended. The apprentice would be entitled to the more generous age related rate of the National Minimum Wage (NMW) rather than the apprentice rate – if over 19 and after the first year. The prescribed form of agreement is not stated in the regulation, but will be an ordinary contract of employment and may result in a potential for increased costs. However, this has to be balanced against the potential advantages of being able to terminate a contract of service more easily and, of the advantages to the apprentice in being able to formally complete an English apprenticeship.
- 6.4 A traditional contract of apprenticeship is not being recommended because as it does not allow the apprentice to complete an English apprenticeship. Additionally, such a contract is more limiting of the Council's ability to dismiss for disciplinary or redundancy reasons, should the need arise.
- 6.5 Full details of each policy are provided at appendices 1 – 3. Guidance for managers is provided at Appendix 5.
- 7. Resource Implications**
- 7.1 A revenue budget of £35,000 per annum is required to run these schemes, if all four apprenticeship schemes are taken up and if the Graduate/Internship placement scheme also has a take up of approximately four persons. However, each application will be considered on a case by case basis via the Employment Stability Group.
- 7.2 The Government has introduced a new wage incentive scheme, for youth contracts helping 18 – 24 year olds to be earning and learning. The proposed schemes for this Council are not seeking to rely upon this incentive scheme.
- 8. Corporate Implications:**
- 8.1 Comment from the Section 151 Officer: Finance has been consulted and has no further comments to add (HL).
- 8.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 8.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, age has been considered. In view of the fact that this policy is not intended to deny access to anyone on the grounds of age, no full impact assessment was carried out. Reference is made throughout the report to the policy's intentions. Members are reminded that in discharging their responsibilities

they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

9. **Appendices**

Appendix 1 – Modern Apprenticeship Policy

Appendix 2a – Graduate/Internship Placement Policy

Appendix 2b – Graduate/Internship Agreement

Appendix 3 – Work Experience Policy

Appendix 4 – Apprenticeship, Graduate and Work Experience Application form

Appendix 5 - DDC Apprenticeship General Guidance for Managers

10. **Background Papers**

Government advice via the following website:

<http://www.education.gov.uk/popularquestions/employersandtraining/workexperience/a00200928/work-experience-made-simple>

Contact Officer: David Randall, Director of Governance



## **Dover District Council Modern Apprenticeship Policy**

### **Introduction**

Dover District Council is committed to creating a diverse workforce, and employing and training local people. Apprenticeships are one of the ways that Dover District Council is building for the future. This policy sets out Dover District Council's approach to employing Apprentices and covers the responsibilities of the organisation, college and the apprentice.

Approval for Apprenticeship posts will be the responsibility of the Chief Executive, in consultation with the Employment Stability Group based on the suitability of the apprenticeship, and the overall number of current apprenticeships already running in the organisation. DDC's preferred partner for all apprenticeships is K-College, who will provide a short list of suitable candidates.

The contract will be an apprenticeship agreement within the meaning of the Apprenticeship, Skills, Children and Learning Act 2009 and the Apprenticeship (Form of Apprenticeship Agreement Regulations 2012

The Apprentice will be governed by the terms of their contract and this policy. The standard Dover District Council Policies and Conditions of Service will cover any specific areas not specifically covered in this policy.

### **Principles of Apprenticeships**

DDC supports the creation of opportunities to help to create work experience for people in the district.

Apprenticeships are the basis of a training relationship for skill transfers to the apprentice.

The DDC vision is to have a framework that supports the individual trainee to gain skills that should help them in furthering in the development of their employability. The apprenticeship will be based on an employment contract, although it is a special form of employment contract: it is a contract for training rather than actual employment, where the apprentice agrees to 'serve and learn'.

The core principles are:

- That the apprenticeship secures wages for the apprentice for the duration of the training programme;
- That the training programme will allow him or her to acquire valuable skills; and
- The programme will provide employment opportunities in the labour market following the successful completion of the training.

The framework for the apprenticeship will follow these guidelines:

- Each apprenticeship programme and post will be approved by the Chief Executive, via the Employment Stability Group

- Although there are special legal features of an apprenticeship agreement, apprentices will nevertheless be officers of the Council appointed under section 112 Local Government Act 1972
- Hourly pay rates will be set at 1.5 x the National Minimum Wage for Apprentices for the first year and at the National Minimum Wage for their age, for any subsequent period if the apprenticeship runs into a period beyond the first 12 months.
- Hours of work will not exceed periods as set out in the Working Time Directive, and reference to the conditions set out for young workers if the apprentice is aged under 18.
- The apprenticeship normally lasts between 12 months and 2 years, depending on the nature of the training.
- This is a form of an agreement with no guarantees of employment at the end of the apprenticeships, though apprentices will be offered the opportunity to apply for internal jobs, on the successful completion of their apprenticeship.
- The apprenticeship should lead to the attainment of a relevant NVQ, which will be identified in the Apprenticeships Application to the Employment Stability Group. It would be expected that Apprenticeships with 12 months training should attain a minimum NVQ 2 and a 24 month Apprenticeship should attain a minimum NVQ 3 level qualification.
- The Manager making the application will need to demonstrate the training that will take place to support the attainment of the NVQ with a detailed training programme. (Support from EKHRP Learning & Development would help in the development of the training programme).
- An appropriate NVQ assessor at K College will be identified.
- Applications for Apprenticeships will be via K – College who will provide a short list of suitable applicants who will go through the normal interview/assessment process, including being referenced.
- Apprentices will have their progress monitored at least quarterly, by a senior manager for that department with a Union Learning Rep to ensure that relevant training is taking place and that the apprentice is performing against expectations.
- Apprentices will be allowed to be Union members.

Apprentices are covered by the Council's Employer Liability Insurance policy.

## **Dover District Council Graduate/Internship Policy**

### **Introduction**

This policy sets out the Dover District Council's approach to engaging people on work experience through an internship. The policy covers arrangements where the individual is undertaking some work for the benefit of the organisation as well as "work shadowing".

DDC encourages work-experience placements with interns and acknowledges the benefits that internships can bring to the organisation, such as enthusiasm, an extra pair of hands to help to complete projects and improved ties with the local community. Similarly, an intern benefits from his/her placement with the organisation by gaining valuable career experience and enhancing his/her CV.

Applications from schools, colleges and universities will be received positively and will be considered on a first-come, first-served basis, subject to each department's ability to accommodate such a placement. People applying for Internships should be directed to the appropriate Director or Service Manager for consideration.

Approval for Internships will be the responsibility of the Chief Executive via recommendations via the Employment Stability Group based on the suitability of the academic relevance to the proposed internship.

The primary purpose of Internships should be job shadowing, but may include practical hands on experience and project work. Interns should only be given work that can be defined as "You do not have to find a substitute to complete the work if the intern is unavailable".

### **Placements can be either:**

A work-shadowing placement of up to 4 week's duration, where the individual observes the work undertaken by the organisation's employees but does not perform any work for the benefit of the organisation, except for doing some work for illustrative or learning purposes. This will be treated as a placement under the Work Experience Policy.

or

An internship placement of up to 26 weeks duration where the individual is expected to perform some specific project work or provide some assistance to the organisation or to its employees, as well as work shadowing and attending training opportunities. This is a development opportunity for the graduate/intern, which should improve their CV. During the placement, the graduate/intern is not entitled to Job Seekers allowance.

### **Interns and Employment at Dover District Council**

There is no obligation for DDC to offer any employment at any stage. Interns can apply for vacancies as an internal applicant, noting that staff placed at 'risk' will have priority.

Managers must understand the legal risks of creating obligations for interns to carry out work and implying an employment relationship. There should be no 'mutuality of obligation'.

Mutuality of obligation is defined as:

- There is no obligation of the organisation to offer work,
- There is no obligation for the intern to accept the work
- There are no obligations by the intern to attend specific hours
- There are no obligations to by the organisation to pay for services rendered.

### **Principles of the Internships**

The core principles are:

- The primary purpose of the internship is that of a skills transfer to the intern.
- They will be officers of the Council appointed under section 112 Local Government Act 1972 (albeit without pay)
- They must give services freely and voluntarily
- There should be no obligation either on the organisation to provide work or on the intern to attend work
- There should be no other contractual obligations between the organisation and the intern only benefits received for work done should be expenses and necessary training
- The training that takes place must be directly related to their current studies or recent degree with the sole purpose of gaining additional experience to enhance their career opportunities.

### **Expenses**

Interns should not suffer any financial detriment while gaining work experience at Dover District Council. A budget needs to be secured to cover travelling expenses to and from work, and other reasonable costs that may be incurred by the intern during their time at Dover District Council.

Travelling costs should be calculates based on the Car Mileage rate as detailed in the Council's Conditions of Service. However, before a graduate/intern incurs any travelling expenses undertaking Council business, managers must ensure that suitable insurance cover is in place.

Significant expenses should be agreed in advance with the Service Management; and in accordance to the Subsistence Allowance policy.

### **Supervision**

Interns should be allocated a mentor, as well as a line manager. The role of the mentor is pivotal to the success of the Internship to help them integrate into the world of work, both culturally and into the process of the work experience. Mentors are tasked with the following duties:

- building a supportive working relationship with the intern

- meeting the intern each day during their first week (or relevant period).
- acting as a point of contact for any concerns that the intern might have
- discussing career options and the intern's plans for the future.

Mentors should ensure that the intern receive supervised practical training and experience fitting the nature of their academic studies.

Specific objectives should be agreed with the intern, and recorded. These objectives should be reviewed, and appropriate training received to reach the objectives.

## **Induction**

The following elements should be included in your induction programme:

- an introduction to Dover District Council, including its background to the political nature of councils, it's services, culture and values
- how your department is structured (providing the intern with photos and names of their colleagues is always very helpful, if you can manage it)
- a brief introduction to the senior members of your department as well as the people that the intern will be working with on a regular basis
- a tour of your facilities, including work areas, 'breakout' areas, where to get food from inside or outside the building, where the nearest toilets are and where the fire exits are situated
- health and safety information (this is a legal requirement)
- a clear outline of the role requirements, including a discussion of the day-to-day duties that the intern will be responsible for in addition to any short-term and long-term objectives that are relevant at the beginning of the internship (for example projects that the intern will be working on).

## **Confidentiality**

Interns are governed by the same rules as other employees regarding the confidentiality of information that they come in contact with. They must be made aware that during their time as an intern, or thereafter, the use to the detriment or prejudice of the Council or any of its partners, except in the proper course of their duties of the following information is prohibited:

- any confidential information about the Council, its business, accounts, finances, research projects, pricing policy, future business strategy, marketing strategies and plans, customer lists, discount rates and sales figures arrangements with suppliers, tenders, pitches, plans or strategies; and
- any other information designated as confidential which may have come to their knowledge in the course of their internship.

## **Final review meeting**

As the internship draws to a close, regardless of how long it has lasted, it is good practice to arrange a final review meeting with the intern to discuss a number of issues. The review meeting will be carried out by the intern's line manager and will cover:

- What has the intern learned and how have they developed over this internship?
- How well do you think they have met your objectives (set either at the beginning of or during the internship)?
- What have been their biggest/proudest achievements?
- What projects have they completed or contributed to?
- In what ways are they better prepared for the jobs market after completing this internship (this can include 'soft' skills as well as specific projects)?
- How well do you think they have performed (in general and/or on specific projects)?
- What are their strengths and weaknesses?
- What areas of development do you suggest that they concentrate on in future jobs?

There should be an expectation of a reference or proof of training or learning that was acquired during the internship, signed off by the Department Head.

## **Disciplinary and capability issues**

The Council's disciplinary, grievance and capability procedures do not apply to interns. Where the line manager has reason to believe that there are minor issues concerning the interns' capability or conduct, he/she will raise it informally with the work experience person. Where, in the opinion of the relevant line manager, the capability or conduct issues are serious, the matter should be brought to the attention of the Service Manager/Director.

DDC will not apply its disciplinary or capability procedures to interns. Instead line managers and other personnel should observe basic principles of fairness in dealing with any issues of capability or conduct that may arise. In cases of capability, individuals should be informed of any shortcomings in their performance and given the chance to improve. In cases of misconduct, the line manager must have reasonable grounds for believing that the individual has been guilty of misconduct and should give him or her the opportunity to give any explanation/mitigation.

DDC reserves the right to terminate a placement immediately, should the work-experience person be guilty of serious misconduct or any negligence resulting in loss or damage to the organisation.

## **Health and safety**

The organisation must ensure that all those who are on work-experience or work-shadowing placements have the same basic training on matters of health and safety as other workers.

Interns, although not employees are governed by the terms of the Working Time Directive, with particular reference to the regulation and young workers under 18 if the intern is in that age bracket.

### **Future Employment**

There is no obligation for DDC to offer any employment at any stage. There is no right at any stage for an intern to be able to apply for jobs as an internal candidate.

## **GRADUATE/INTERNSHIP AGREEMENT**

### **Dover District Council**

To be read carefully and signed by the intern and the employer (please make two copies)

### **THE EMPLOYER'S RESPONSIBILITIES**

As the employer, I am aware that interns provide a useful service for Dover District Council. I confirm that I will abide by the principles of Internship as set out in the Internship policy and it is therefore my responsibility to ensure that the intern will be respected at all times; supported and trained appropriately; and given as much access to learning and development opportunities as possible.

### **THE INTERN'S RESPONSIBILITIES**

As an intern, I appreciate the opportunity that has been provided for me through this internship and understand that it offers the chance to gain experience and display professional development. Therefore I confirm that I will behave in a professional manner at all times; abide by the rules and regulations of Dover District Council including rules in respect of Confidentiality as set out in the Internship Policy.

It is agreed that signing this agreement does not imply any mutuality of obligation between both parties.

Start Date of Internship: \_\_\_\_\_

End Date of Internship: \_\_\_\_\_

### **Departmental Manger**

Name: \_\_\_\_\_

Signature:

Date:

### **Intern**

Name: \_\_\_\_\_

Signature:

Date:



## **Work Experience Policy**

### **Introduction**

This policy sets out the Dover District Council's approach to engaging school pupils on work experience through short term experiences in the work environment as an introduction to working life. The primary focus is to help prepare young people for a life in employment after education. Subsequently, it is envisioned that the responsibility of the Dover District Council and its managers is to ensure that a positive and rewarding experience is had by any student engaged in a period of work experience at the council.

The organisation encourages work-experience placements with students in Year 10 and 11 acknowledge the benefits that work experience can bring to the community.

A work placement is an opportunity to spend a period of time outside the classroom, learning about a particular job or area of work. During the placement, students will be able to find out what skills employers look for when they're hiring someone to fill a job vacancy. The object is to help develop student's self-confidence and communication skills.

### **Principles of Work Experience**

DDC will create opportunities that don't significantly impede the business of the Council, to help to create work experience for people. This may take the shape of work experience to expose secondary or college students to the general world of work. In considering the suitability of matching students to placements, DDC will give due consideration to the age and maturity of individual students to the nature of the particular workplace environment. The core principles are:

- A programme of Work Placements should be pre-arranged with appropriate schools in the DDC catchment area.
- Work Experience programmes will take place during term time.
- Work experience will last between one and two weeks.
- Work Experience will be planned to give a positive experience of both working in general and of the culture of DDC.
- Students engaged under work placement will not be officers of the Council.

### **The proposed framework for the Work Experience will follow these guidelines:**

- Work Experience placements will be pre-approved with schools and colleges as part of a Work Experience Programme.
- The Chief Executive will agree the overall Work Experience programme on an annual basis, with individual placements being agreed between Directors/Service Managers and local schools according to placements identified and agreed by the Employment Stability Group.
- Schools should provide a detailed list of placement information, and confirm the following in writing to DDC prior the arrival of the Work Experience placement:

1. Pupil name
2. Date of Birth
3. Pupil Address
4. Telephone Number
5. Start and Finish Date
6. Times of attendance on placement
7. Name of organisation
8. Type of work to be undertaken
9. Schools Emergency Out of Hours Telephone Number

## **HOURS OF WORK AND PAYMENT**

Wherever possible students should work the normal hours of the Council (providing they do not exceed the exceptions laid down below).

- No more than a total of thirty seven hours in one week may be worked by any pupil of statutory school age.
- Students are not permitted to work night shifts.
- No work experience may begin before 6 am.
- No work experience may continue beyond 10 pm.
- Students employed on a part-time basis should give up that employment whilst on placement where the 37 hours limit would be exceeded unless other arrangements are deemed to be in the best interests of all concerned.
- No payment should be made to students whilst they are on work experience. An employer may wish to help with travel, clothing and/or subsistence costs.
- Insurance and health and safety arrangements should be in place for every student irrespective of age.

**Note: DDC managers will notify the Council's insurers via the Corporate Support Team that they host work experience students and communicate further with their insurers if work placements are substantially longer than two weeks thus ensuring that their Public and Employer Liability Policies are not invalidated by the employer's non-disclosure of this fact.**

## **PROHIBITED EMPLOYMENTS AND LEGISLATION**

Students should not be placed into areas that are considered unsuitable relevant to their level of maturity; experience or capability. Additionally, managers should be aware of relevant legislation in terms of Health and Safety and the exposure of dangerous situations to young adults. The list below is illustrative but not exhaustive:

- work in agriculture which may cause injury through handling heavyweights and which may involve handling poisonous substances
- work in mines and quarries
- work in betting and gaming
- cleaning of machinery in motion
- work with circular saws
- work on any sea going ship or boat
- work on ladders is prohibited above 2 metres high
- Special dispensation may be given to uniformed organisations where proper instruction and training has been given.
- work on roofs

Students should not handle certain machinery unless fully instructed in accordance with regulatory body or HSE guidance and should be under constant close supervision. Such machinery includes:

- hand or power operated guillotines and platter grinders, power operation brick and tile presses, dough brakes and mixers, warm pressure extruders, hydro extractors, calendars, washing machines and presses in laundries, meat mincers, milling machines, hydraulic and pneumatic presses, semi-automated wood turning lathes, wire stitchers and loose knife punchers.

Areas of prohibition for students on work experience which have been highlighted:

- work "which is beyond their physical or psychological capacity"
- work involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage or harm to the unborn child, or which in any other way chronically affect human health
- work involving "harmful exposure to radiation"
- work involving the risk of accidents, which will not be recognised or avoided by young people because of their carelessness or lack of experience or training
- work involving risk to health from extreme heat or cold
- work involving risk to health from vibration
- work involving risks to health from noise

In putting together a work experience programme, managers must give consideration to the prohibited activities.

## **Overview**

Students on work experience are classed as employees for health and safety purposes. This means that DDC owe a duty of care to the student, just as they do to any employee. DDC's existing workplace risk assessments may already cover the risks that work experience students may be exposed to. DDC's existing Employer's Liability Insurance will cover young people.

If the division and/or manager is new to work experience or has not employed a young person under the age of 18 before, there may be a need to revisit the risk assessment to identify the risks specific to a young person. The school or college may want to arrange to speak to the manager to confirm their expectations in order to support the young person's understanding of what the placement involves. We will work with schools and colleges to take a common-sense approach to risk assessment.

Schools, colleges and managers may question whether a Criminal Records Bureau check of staff working with young people while on work experience should be carried out. In many instances it may not be necessary. It depends on circumstances, but managers should consider a CRB check for someone who has a specific designated responsibility for supervising a student, particularly if the student is under 16, is a vulnerable student for any reason (e.g. a student with special educational needs) or where the supervisor will spend a substantial amount of time alone with the student. Managers should not conduct a Criminal Records Bureau check on staff that are simply working alongside the student.

Where a manager has never employed a young person under 18 before (including on work experience), the employer will need to review his or her risk assessment, to take account of any risks that may arise as a result of the young person's age, relative lack of maturity or experience.

The Government is considering changes to the law as it impacts on schools, employers and young people in relation to work experience. This policy reflects the current statutory framework.

## APPENDIX 4

<b>Apprenticeship/ Graduate/ Work Experience Application to the Employment Stability Group</b>		<b>Ref No:</b>  (for ESG use)	
<b>Application for:</b>	Apprenticeship / Internship (Graduate Placement) / Work Placement <i>(delete as appropriate)</i>		
<b>Job Title:</b>		<b>Length of Appointment:</b>	
<b>Main Duties</b>			
<b>Objectives</b>			
Desired output for DDC from the appointment:			
Desired output for the Apprentice / Intern / Work Placement:			
<b>Work Programme</b>			
<i>(Provide appropriate detail, proportionate to length of the appointment):</i>			
<b>Monitoring/Management Arrangements</b>			
Name of Mentor:			
Time Commitment:			
Frequency of Meetings:			
<b>Resources</b>			
Funding:			
Costs:			
<b>Submitted by:</b>		<b>Date:</b>	

## **DDC Apprenticeship General Guidance for Managers**

### *Managers' Role*

When the young people join your organisation as an Apprentice they are employed via an apprenticeship agreement by the department/service in which they are based and as such Managers have a range of responsibilities:

- Ensure that they have authorisation to recruit to the vacancy via the Employment Stability Group.
- Ensure that a suitable training programme is in place
- Ensure a CRB check is carried out where necessary
- Ensure the Apprentice has an induction to their department and that other members of staff are aware of their role
- Report any sickness absence to East Kent HR Partnership
- Take part in target setting, performance reviews and undertake regular supervision with the Apprentice
- Keep annual leave records up to date
- Carry out any disciplinary procedures as and when necessary – with the support of EK Human Resources
- Complete any leavers' paperwork when the Apprentice leaves the department

### *What is an Apprenticeship?*

Apprentices learn through a combination of on and off the job training to acquire the practical skills, knowledge and understanding in the workplace. Theoretical underpinning knowledge will be provided off the job and will be delivered by either a training provider or college.

There are two types of Apprenticeship:-

### ***Apprenticeship***

Apprentices work towards a National Vocational Qualification (NVQ) at Level 2, Key Skills and in most cases a Technical Certificate (a qualification designed to provide underpinning knowledge in the vocational area). An Apprenticeship qualification is usually gained within 9 to 12 months.

### ***Advanced Apprenticeships***

These usually last for about 2 years (1 year if subsequent to a Level 2 course) and the Apprentice works towards a National Vocational Qualification (NVQ) at Level 3, Key Skills and a technical certificate (a qualification designed to provide underpinning knowledge in the vocational area). In order to undertake an Advanced Apprenticeship, the learner needs to be in full time employment.

### *Who can become an Apprentice?*

Apprenticeships in England are open to anyone. They can be employed by their organisation but they can be recruited especially for the programme. Potential Apprentices should be able to demonstrate that they will benefit from a development programme that

leads to a Level 2 or 3 qualifications. They must not already hold a Level 3 qualification in a related subject or above (e.g. A-Level or a degree).

### *Why should managers get involved?*

It is likely that the first question Managers will have about recruiting an Apprentice into their department is 'What is in it for the Department?' Apprentices are generally perceived as working in more industrial sectors such as engineering or construction however; there are potential apprenticeship opportunities in office based vocations.

There are many benefits from employing an Apprentice:

- ✓ Managers will have an important say in what training is delivered, both on and off the job so they can ensure that it meets the overall skills need within the organisation
- ✓ Encourages diversity in the workforce and particularly helps to ensure a breadth of age and experience
- ✓ It demonstrates to existing and potential employees that the organisation is prepared to invest in their future
- ✓ By giving people the opportunity to work and learn employers are providing a positive public image
- ✓ Facilitates the personal development of other members of staff who get involved with the Apprenticeship programmes
- ✓ Apprenticeships equip people with the skills and knowledge to improve job performance as the training they receive is job specific
- ✓ Specifically within Dover District Council, there is a commitment to attract and recruit more young people.

Line managing an Apprentice will involve significant time commitments at the outset, however, this will decrease as the young person settles in and becomes more confident in their role.

### *Apprenticeship Post Approval*

Approval for taking on an Apprentice will be via the Employment Stability Group with ultimate approval by the Chief Executive. There is a specific approval form (Appendix 4)

### *Recruitment*

Apprenticeship candidates complete standard employment application forms, which are sent to the manager as in a normal recruitment process. An interview is arranged so the department can approve the potential Apprentice and it provides the opportunity for both parties to determine suitability. That department will then employ the successful candidate as an Apprentice on an Apprenticeship agreement.

The Apprentice will have a 3 month probation period during which reviews will take place between the Apprentice, Manager and Training provider to monitor the Apprentice's initial progress. The Department will be the employer of that Apprentice for the duration of their Apprenticeship therefore the manager will be responsible for managing any performance, attendance, punctuality, sickness or conduct issues in-line with normal procedures.

Departments are not obliged to guarantee the Apprentice a permanent job at the end of the Apprenticeship however the young people are to be offered support from the training provider, their Manager and mentors throughout the programme to ensure a positive progression into employment.

## ***Developing a Person Specification and Job Description***

This will detail the job activities that the Apprentice will be expected to carry out and the skills and knowledge that they will need.

The Apprentice will not be recruited as an experienced staff member but as someone who shows the potential of performing effectively after their period of training. As such they may not have all of the skills needed for the role but have the potential and willingness to learn and develop.

At the start of the Apprenticeship a Training Plan is drawn up including performance indicators based on the job description. These are then used to monitor progress. The formulation of an accurate job description is a crucial activity, as it will form the basis of the training and development programme that will be agreed with the Apprentice.

Departments may also wish to develop a more specific job related 'person specification' which will indicate the skills, qualifications and attributes that they are expecting the Apprentice to have e.g. conscientious, able to work on own initiative, non-judgmental.

## ***CRB Checks***

Some Apprenticeship roles will require Apprentices to undergo checks by the Criminal Records Bureau (CRB) and this condition must be made clear in the job description and person specification. In these situations, the Apprenticeship will be subject to a satisfactory CRB check.

## ***ID Verification***

We have a legal requirement to check whether new employees are able to work in the UK. Therefore as the employing Manager it is your responsibility to obtain from the Apprentice a copy of their UK birth certificate and or/ passport.

## ***HR Support***

Any Apprentice conduct or performance issues should be addressed in the appropriate way in line with the relevant policy and procedures. Managers should contact a HR Advisor at the early stages of any conduct or performance issue to gain the appropriate advice and support.

## ***Departmental Induction***

Once the Apprentice has been interviewed and the work placement agreed upon, it is the Manager who should send out a letter to the Apprentice welcoming them to the team, informing them of their start date, where they should go on their first day and who they should ask for upon arrival.

For many of the Apprentices this will be their very first job and for some their first experience of a workplace and so it is important that they are given a full, easy to understand induction.

Managers need to ensure that information is provided about the department in which they will be working. It is important that the Apprentice:



- ✓ understands their hours of work, job role and responsibilities including the standards of performance expected
- ✓ understands the purpose of the department and how their role fits into this
- ✓ is introduced to the team and senior managers they may be working with – perhaps set up short meetings with key people within the team
- ✓ understands the need for confidentiality (where necessary)
- ✓ basic factual information on the physical environment, where the toilets are, where the restaurant is, where the fire exits are, when the fire alarms are tested, names/locations of first aid officers
- ✓ understands how the office works – procedures for taking messages, breaks, dress codes, smoking policy
- ✓ knows procedures for reporting sickness or absence
- ✓ knows procedures for taking annual leave

### ***Corporate Induction***

In addition to the departmental induction, the Apprentice should receive a corporate induction that will include Health & Safety procedures, Equal Opportunities policies and also an overview of the Council itself.

### ***Support for the Apprentice***

There are other types of support that may be put in place for the young person whilst they complete their Apprenticeship, these could include:

- **Mentoring** – Managers should identify a mentor for the Apprentice to be an unbiased 'listening ear' and support to the Apprentice. This can be seen as a means of personal development for the Mentor who could use this opportunity to work towards an accredited qualification in Mentoring.
- **Buddy** - This is someone different to a mentor, it could be another Apprentice. It is someone who offers a friendly face and will support the Apprentice at the start of their programme and employment .
- **Corporate Training** – Where budget and time allow, Apprentices should be encouraged to access Corporate training, for example E-Learning courses.

### ***Roles and Responsibilities***

The Manager's agreement to employ an Apprentice in their team includes staff management and dealing with performance and capability issues as necessary. Apprentices will be covered by the Council policies and procedures.

In the first instance Managers should contact the training provider to alert them to a potential issue with the Apprentice. The Manager may need to contact an EKHRP Adviser for advice and guidance with dealing with the issues.

### ***The Role of the Manager***

#### ***In preparing for the new Apprentice to start Managers need to:***

- Send out a welcome letter outlining where to report to and who to ask for on their first day

- Provide the job description and person specification for the Apprentice
- Ensure other staff know that the Apprentice is starting and understand their role
- Make sure staff do not regard the Apprentice as someone to do 'odd jobs'
- Identify a work base
- Set up an Email account (if appropriate)
- Ensure they have the resources and equipment they require to do their job
- Structure and plan their induction and first few weeks to help them understand what is expected of them
- Identify their line manager and ensure that there is a smooth transition if there is a change in line manager
- If the Apprentice is going to have a mentor, ensure the mentor is appropriately briefed
- Apply for job specific requirements such as CRB check through EKHRP

***When the Apprentice starts, Managers should:***

- Go through the Apprentice's contract once they have received it to ensure that they understand the terms and conditions of their employment
- Give Apprentices copies of the Disciplinary and Grievance Procedures and ensure that they understand them
- Inform Apprentices on what flexibility they have in relation to taking breaks or if breaks are set
- Inform about annual leave entitlement and set up an Annual Leave form for the Apprentice
- Inform the apprentice of all appropriate policies affecting working time, including the use of flexitime; maternity and paternity leave; special leave etc.
- Inform Apprentices about reporting of absence i.e. sickness
- Keep up to date attendance and sickness records in accordance with Council procedures, completing sickness forms and returning them to EKHRP
- Explain what is expected of the Apprentice in the work place including – use of mobile phones, the internet, e-mail, dress and language
- Ensure that Apprentices know practical information such as photocopier codes, telephone extensions and where the toilets are
- Complete accident forms in accordance with departmental procedures and EKHRP that an accident has occurred
- Ensure instructions are clear, simple and understood
- Ensure jobs or tasks have been completed to the required standards and further training given if necessary
- Encourage the Apprentice to actively participate within their team
- Explain jargon and abbreviations
- Give praise and recognition of achievements and effort
- Give reassurance that they can ask questions at any time
- Hold regular supervision sessions with the Apprentice

***The role of the Manager, in conjunction with the training provider, in support of the delivery of the Apprenticeship is very important and includes:***

- An understanding of the qualification framework, the Apprentice workbook and the different forms of evidence that the Apprentice will need
- Provision of written statements evidencing Apprentice competence and achievement
- An understanding of the relationship between the training provider and the employer and their roles
- Understanding how qualifications and the Apprenticeship process develop the Apprentice's skills and makes them productive employees

- Allowing and agreeing time for the training provider to work with the Apprentice
- Contributing to the review of the programme overall
- Complete the monthly Attendance Record form if used by the Training Provider