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| Apprentice Employer Information Pack |
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| ET LtdApril 2019 |

**Employers’ Responsibilities**

An employer must give the apprentice an induction into their role and provide on-the-job training if possible.

As with all employees, employers are responsible for the wages of the apprentice.

It is the responsibility of the employer to ensure adequate Employer and Public Liability Insurance and any other necessary and appropriate insurance cover with a reputable company is in place and kept up to date.

The Skills Funding Agency (SFA), which is the funding body for apprenticeships, requires that all training and learning takes place in a **safe, healthy and supportive environmen**t. An initial Health & Safety form will be completed prior to, or during the sign-up process and will highlight any actions that are required. This will be reviewed annually or following any major changes to the workplace.

Employers are required to:

1. Designate a person competent in health and safety in accordance with Regulation 7(8), Management of Health and Safety at Work Regulations 1999.

b) Designate senior personnel to be responsible for health and safety.

c) Operate an audit system with procedures to examine the health and safety policies, organisation, arrangements, premises and equipment.

d) Document to the best information available any apprentice's health problems that may affect the apprentice's health and welfare in their chosen occupation and ensure that for all work that requires medical / health screening that this is done.

e) Where there are five employees or more, maintain a written safety policy comprising of a policy statement, organisation and arrangements in accordance with Section 2(3) of the Health and Safety at Work etc Act (HASAW) 1974.

f) Where there are five employees or more, carry out risk assessments and record the significant findings resulting from the assessment in accordance with Management of Health and Safety at Work Regulations (MHSW) 1999.

g) Put in place and operate the necessary protective and preventive measures as a result of risk assessments.

h) Employ and use competent staffs that are capable as regards health and safety for their role.

i) Provide a safe and healthy working environment including adequate welfare facilities.

j) Provide suitable and safe equipment, materials and systems or work and operate adequate control measures as appropriate.

k) Provide adequate apprentice induction immediately on being recruited and ongoing health and safety training and information as appropriate.

l) Ensure suitable emergency (including fire and first aid) arrangements are in place.

m) Ensure competent supervision of apprentices.

n) Ensure the provision and proper use of personal protective equipment as established by risk assessments and the requirements under the Personal Protective Equipment at work Regulations 1992.

o) Ensure that young persons (over school leaving age but under 18) are protected at work from any risks to their health and safety which result from their lack of experience and awareness of their immaturity as required by (MHSW) 1999 Regulation 19.

**Employment Contract**

It is your legal responsibility as the employer to provide your apprentice with written terms of employment (a contract). This also helps to clarify the terms and conditions of employment for both the employer and employee (apprentice).

**Key elements that your contract should include:**

* Name & address of Employer
* Name & address of Employee
* Job Title (Intermediate/ Advanced) Apprentice
* Start date of Employment
* Length of Contract
* Wage details (rate of pay and how it is to be paid (weekly/ monthly)
* Day/ date on which wages are paid
* Hours of work, including whether weekends/ evenings may be required
* Holiday entitlement and clarification on Bank holidays
* Sick leave and whether there is any sick pay/ eligibility for Statutory Sick Pay
* Notice of termination of employment
* Any special arrangements (e.g. live-in/ livery of horse)

**Minimum pay for an apprentice based on age**

As an Employer you must make sure all your Apprentices receive an Apprenticeship Pay of at least £3.90 for all the time they are on their Apprenticeships. **This includes time working plus the time spent training both on and off the job. This includes time spent at college/or off site with a provider.**

The Apprentice National Minimum Wage (NMW) applies to all new and existing Apprentices aged 16 to 18 and those aged 19 or over in the first year of their Apprenticeship. The NMW does not affect those Apprentices aged 19 or over who have already completed a year of their Apprenticeship – they will continue to be entitled to be paid at least at the full NMW rate appropriate to the apprentice age.

**Current National Minimum Wage rates**

* **Workers aged 21-24 to increase from £7.38 to £7.70 per hour**
* **Workers aged 18-20 to increase from £5.90 to £6.15**
* **Workers aged 16 and 17 to increase from £4.20 to £4.35**
* **Apprentices aged under 19 or in the first year of their apprenticeship to increase from £3.70 to £3.90**

Please note there is no maximum an Employer can pay an Apprentice.

Should an Apprentice no longer wish to continue with the Apprenticeship qualification, but is to stay with the current Employer as an Employee, then the Employer must pay at least the minimum wage appropriate to their age.

**Live-in Apprentices**

If an apprentice ‘lives in’ you can offset up to £7.55 per day or £52.85 per week (based on full-time hours). Further details are available at <https://www.gov.uk/national-minimum-wage-accommodation>.

**Tax and National Insurance**

The apprentice must pay National Insurance if they are 16 or over and earning above £166 per week. There is a misconception that apprentices do not pay tax or National Insurance but this is not the case. There is a useful calculator on the Government website for ensuring your employed apprentice contributes correctly. If the employee’s weekly wage is above the threshold then it is normal practice for the Employer to deduct the NI from the wage. The Employer will be reminded by HMRC when the NI contributions are due but if in any doubt please call HMRC directly to clarify.

If a person earns between £118 and £166 per week, the contributions are treated as having been paid to protect your National Insurance record.

For further guidance on tax and National Insurance please visit the government website [www.gov.uk](http://www.gov.uk).

[**Is there a limit to the number of Apprentices an employer can take on?**](http://www.smarttar.co.uk/faqs/)

No, an Employer can take on as many apprentices as they wish. The Employer will be responsible for giving the Apprentice an induction into their role as they provide on-the-job training. This will need to be evidenced.

**Employer Grant and Incentives**

The Employer is entitled to a £1000 Employer Incentive if they have 49 or less employees and are taking on an apprentice aged 16-18 years old. This will be paid in two installments – the 1st after 3 months and the 2nd after either 12 months or on completion of the apprenticeship. Evidence of being a small employer will need to be provided in the form of either a PAYE printout or, if the wages are below the threshold to be declared (under £116 per week), a letter from an accountant stating the number of employees will be acceptable. This must be on the business headed paper.

Other funded support is available towards the cost of Functional Skills in Maths/ English for the Apprentices (any age) and is paid to the training provider.

There may be further incentives available depending on the individual circumstances of the Apprentice recruited. These will be discussed during initial meetings.

**Apprentice Training & Assessments**

All apprentices enrolled from April 2019 will be on apprenticeship Standards. There will be no official assessments until apprentices are ready for their End Point Assessment (EPA) so the focus from Equestrian Training is training the learner and supporting the employer in ensuring the learners reach the required standard across the subject areas. End Point Assessments will take place either in the workplace or at Approved Training Locations. An Apprenticeship is a package of work plus on and off the job training. Apprentices should be paid for their normal working hours and any training on and off site that is part of the apprenticeship. Records of 20% Off the Job training are a mandatory part of the apprenticeship. This will be discussed in detail during the early stages of the apprenticeship and overseen by your allocated training advisor.

**Apprentice Withdrawal/ Dismissal & Fees Incurred**

There are considerable costs involved with the enrolment, registration and training of an apprentice. Training providers spend more in the initial stages of an apprenticeship whereas the associated funding tends to be recouped further into the programme and on apprenticeship completion. If apprentices withdraw before the end of their apprenticeships, charges will have to be made to the employer to cover part of the costs incurred. All withdrawal charges must be agreed with all parties before/ at enrolment.

**Set Incurred Fees:**

Apprentice withdraws within 6 months of start date: £180

Apprentice withdraws 6-12 months into their Apprenticeship: £350

 12-18 months into their Apprenticeship: £500

Apprentice withdraws once entered into the Gateway for End Point Assessment: £700

**19+ Learners:**

If the apprentice is forced to be withdrawn due to the employer failing to make the required 5% contribution (£250 for L2 Equine Groom/ £300 for L3 Senior Equine Groom) then the employer will be liable to cover costs for registration, enrolment and training time spent to date.

Payment in instalments will be accepted if agreed with the training provider (Equestrian Training).

*Please note that these fees only apply in the case of withdrawal; should an apprentice leave following correct procedures (notice period adhered to for example) and transfer their apprenticeship to another employer then no charges will be made.*

Exceptional circumstances whereby an apprentice is forced to be withdrawn through no fault of their own or no fault of their employer will be taken into consideration.

**Apprentice Holidays**

Like most other employees, Apprentices who work a minimum of 30 hours per week must be given at least 20 days’ paid holiday per year as well as bank holiday entitlement.

Annual leave should be agreed when an employee starts work. Once an employee starts work details of holidays and apprenticeship holiday pay entitlement should be found in the employee’s written contract, where there is one, or a written statement of employment particulars given to employees by their employer.

**Note**: *The written statement is required by law and must be given to employees by the Employer no later than two months after the start of employment.*

Most workers – whether part-time or full-time – are legally entitled to 5.6 weeks of paid annual leave. Additional annual leave may be agreed as part of a worker’s contract. A week of leave should allow workers to be away from work for a week – i.e. it should be the same amount of time as the working week. If a worker does a five-day week, he or she is entitled to 28 days leave. If he or she does a three-day week, the entitlement is 16.8 days leave (3 x 5.6 = 16.8). Employers can set the times that workers take their leave, e.g. for a Christmas shutdown. If a worker’s employment ends, he or she has a right to be paid for the leave time due and not taken.

<https://www.gov.uk/calculate-your-holiday-entitlement> is very useful if your worker does irregular hours, has started/ left part way through a leave year, or if you wish to calculate the entitlement in number of hours of holiday owed.

**Public holidays**

There is no legal right to paid leave for public holidays; any right to paid time off for these holidays depends on the terms of a worker’s contract – it is at the employer’s discretion. Paid public holidays can be counted as part of the statutory 5.6 weeks of holiday or given as additional holiday allowance. **Please ensure the learner understands and has agreed their holiday entitlement at the start of their contract and the process for requesting holiday.**

[**Working Hours and Young Workers**](http://www.smarttar.co.uk/faqs/)

If an apprentice/ employee is no longer at school and is 16 or 17, the law refers to them as a ‘Young Worker’.

[Working time limits](http://www.smarttar.co.uk/faqs/)

You can’t work more than 48 hours a week on average - normally [averaged over 17 weeks](https://www.gov.uk/maximum-weekly-working-hours/calculating-your-working-hours). This law is sometimes called the ‘working time directive’ or ‘working time regulations’.

You can choose to work more by [opting out](https://www.gov.uk/maximum-weekly-working-hours/weekly-maximum-working-hours-and-opting-out) of the 48-hour week.

If you’re under 18, you can’t work more than 8 hours a day or 40 hours a week.

Longer working hours are only permissible if one or more of the following applies:

* a need to keep the continuity of service or production
* a need to respond to a surge in demand for a service or product and provided that:

- no adult is available to do the work

- training needs are not negatively affected

[Rest breaks](http://www.smarttar.co.uk/faqs/)

Young Workers who need to work for more than 4.5 hours should get a rest break of 30 minutes.

If they are working for more than one employer, the time worked for each one should be added together to see when a rest break is possible. Rest breaks must be:

* taken in one block
* taken somewhere in the middle of the work period, not at the end
* spent away from the place of work if wanted
* taken when the employer gives permission, as long as it meets these conditions

Daily rest

Young Workers get 12 uninterrupted hours’ rest in each 24-hour period in which they work. These 12 hours may be interrupted if periods of work are split up over the day or do not last long.

Weekly rest

Young Workers must have weekly rest of 48 hrs. It is preferable that this is taken in a block.

**Statutory Sick Pay**

To qualify for Statutory Sick Pay (SSP) employees must:

* have an employment contract
* have done some work under their contract
* have been sick for 4 or more days in a row (including non-working days) - known as a ‘period of incapacity for work’
* earn at least £118 a week
* give you the correct notice
* give you proof of their illness, only after 7 days off

Employees who have been paid less than 8 weeks of earnings still qualify for SSP. Use the sick pay calculator ([www.gov.uk](http://www.gov.uk)) to work out how much to pay them.

Employees can qualify for sick pay from more than one job.

They could also qualify in one job but be fit for work in another, e.g. if one job is physical work that they can’t do while ill but the other is office-based.

Exceptions

Employees don’t qualify for SSP if they:

* have received the maximum amount of SSP (28 weeks)
* are getting Statutory Maternity Pay or Maternity Allowance
* are off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that their baby is due
* were in custody on the first day of sickness (including any linked periods)
* are working outside the EU and you’re not liable for their National Insurance contributions
* received Employment Support Allowance within 12 weeks of starting or returning to work for you

Use the SSP calculator (www.gov.uk) to check eligibility.

Linked periods of sickness

If your employee has regular periods of sickness, they may count as ‘linked’. To be linked, the periods must:

* qualify for SSP by lasting 4 or more days each
* be 8 weeks or less apart

Your employee is no longer eligible for SSP if they have a continuous series of linked periods that lasts more than 3 years.

Long-term illness

You can complete form SSP1 before the end of SSP if you know an employee will be off sick for more than 28 weeks. This means they can apply for ESA before their SSP comes to an end.

SSP is £94.25 per week.

What happens if you can’t get SSP?

If the employee cannot get SSP or SSP has ended the Employer must fill in form SSP1 and give this to them. On the form, the Employer must say why SSP has not been paid or why it is ending and the last date of payment. Form SSP1 is used to support a claim for Employment and Support Allowance (ESA). It is important that the employer give this form to the employee as soon as possible. Without the information on the form a decision on their entitlement to ESA cannot be made which may delay payment.

Form SSP1

You must send an employee form SSP1:

* within 7 days of them going off sick, if they don’t qualify for SSP
* within 7 days of their SSP ending, if it ends unexpectedly while they’re still sick
* on or before the beginning of the 23rd week, if their SSP is expected to end before their sickness does

They can apply for Employment and Support Allowance (ESA) instead.

If your employee thinks this is unfair, they can appeal to HMRC - the form tells them how to do this.

Please follow the link below for full employer guidance on sick pay:

<https://www.gov.uk/employers-sick-pay>

[**Statutory Maternity Pay (SMP)**](http://www.smarttar.co.uk/faqs/)

Eligible employees can take up to 52 weeks’ maternity leave. The first 26 weeks is known as ‘Ordinary Maternity Leave’, the last 26 weeks as ‘Additional Maternity Leave’.

The earliest that leave can be taken is 11 weeks before the expected week of childbirth, unless the baby is born early.

Employees must take at least 2 weeks after the birth (or 4 weeks if they’re a factory worker).

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get:

* 90% of your average weekly earnings (before tax) for the first 6 weeks
* £148.68 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

SMP is paid in the same way as your wages (for example monthly or weekly). Tax and National Insurance will be deducted.

Use the SMP calculator [maternity pay calculator](https://www.gov.uk/pay-leave-for-parents) to work out an employee’s maternity leave and pay.

Extra leave or pay

You can offer more than the statutory amounts if you have a company maternity scheme. You must make sure your maternity leave and pay policies are clear and available to staff.

Employees must:

* be on your payroll in the ‘qualifying week’ - the 15th week before the expected week of childbirth
* give you the correct notice
* give you proof they’re pregnant
* have worked for you continuously for at least 26 weeks up to the qualifying week
* earn at least £118 a week (gross) in an 8-week ‘relevant period’

Proof of pregnancy

You must get proof of the pregnancy before you pay SMP. This is usually a doctor’s letter or a maternity certificate (known as an MATB1 certificate). Midwives and doctors usually issue these 20 weeks before the due date.

The employee should give you proof within 21 days of the SMP start date. You can agree to accept it later if you want. You don’t have to pay SMP if you haven’t received proof of the due date 13 weeks after the SMP start date.

You must keep records of the proof of pregnancy.

If the baby is born early

Leave starts the day after the birth if the baby is born early.

The employee must give you the child’s birth certificate or a document signed by a doctor or midwife that confirms the actual date of birth.

You must write to them confirming the new end date for their leave.

If the baby dies

Employees still qualify for leave or pay if the baby:

* is stillborn after the start of the 24th week of pregnancy
* dies after being born

Employment rights

An employee’s employment rights (like the right to pay, holidays and returning to a job) are protected during maternity leave.

You still have to pay SMP even if you stop trading.

If you, the employer cannot pay SMP:

If you cannot pay SMP you must:

* give the worker form SMP1 that explains why
* give the worker back their copy of the maternity certificate (MAT B1) that they will have given you

The worker may be able to claim Maternity Allowance (MA) instead. You can advise them to send the form SMP1 to Jobcentre Plus along with an MA claim form.

*If you would like further information on all statutory payments you can go to* [*www.gov.uk*](http://www.gov.uk)

**What to expect from your Training Provider Equestrian Training Ltd:**

The initial visit from the Equestrian Training team consists of sign-up paperwork for course registration, agreement of terms and conditions for learning, explanation of important policies and procedures, and Health and Safety checks.

A second visit will take place soon after the first whereby the lead assessor assigned to the apprentice will conduct a skills scan and formulate a tailored training and assessment plan for the duration of their apprenticeship. This is not set in stone and can be changed according to the timing of relevant activities in the workplace. It is important for the employer to be present so that the training fits with the work required of the apprentice employee. All parties should be fully informed and aware of the training needs and the timescale for assessment.

The lead assessor is the main point of contact for the duration of the course, but additional advice and guidance can be sought from other members of the team who are more than willing to help.

Amy Cosgrove is the Director and also the Internal Quality Assurer for ETL. If you have concerns regarding the training and assessment of your apprentice then please do not hesitate to contact the office and speak to either Amy or Lara (Co-ordinator and Employer Liaison).

Contact should be made by an assessor at least every 4 weeks. The majority of apprentices will be required to attend a 3 or 4 hour group training session at the nearest EQL Approved Location once a month. This enables units to be covered which may be difficult to practice in the workplace and includes a riding lesson if the riding pathway has been chosen. This will be discussed and agreed during the initial meetings.

ETL offer in-house Functional Skills qualifications for the apprentices who need to gain their Maths and/ or English GCSE equivalent. We have an experienced tutor with equine experience who takes one-to-one or group sessions, depending on the individual needs of the apprentice. If the apprentice cannot get to our office at Warwick Mill Business Village for the sessions then it can be arranged for the tutor to come to site or meet at an agreed location.

All apprentices are also required to complete a Level 2 or 3 Award in Business as part of the apprenticeship framework. Group sessions are arranged to help the apprentices complete the tasks and employers are given as much notice of dates as possible. We do understand that they may not be able to attend every external session due to demands in the workplace.

A progress review will take place with the employer and apprentice every 12 weeks, and will be conducted by Hayley Airey (ETL Reviewer and Tracking Supervisor), Lara McCarron or Amy Cosgrove. We wish for employers to feel fully involved with the apprenticeship scheme and be able to voice any concerns freely. We offer a flexible approach to training and assessment to allow minimum disruption to the workplace with the aim of maximum gain to both the apprentice and employer.

Please note that apprentices are enrolled as students of Carlisle College in order to receive the funding allocated by The Skills Funding Agency but Equestrian Training Ltd delivers all aspects of training and assessment for the equine apprenticeships.

**Useful Contacts:**

**ETL General Enquiries: info@equestriantrainingltd.co.uk**

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