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Do you have the right agreement for your apprentice?

By David Scott, Head of Employment Law

12th August was the International Day of the Youth and many employers will be preparing to welcome their latest apprentices to their workforce.

All apprentices in England must have an apprenticeship agreement with specific approved apprenticeship standards. What needs to be included in these agreements has changed over time. It has been just over 2 years since significant changes were made to the legal requirements of apprenticeship agreements. It is important to ensure your agreements are legally compliant.

Firstly, the agreement should contain the main particulars of the agreement and be given to the apprentice on or before their very first day. These particulars must include the names of the parties, the start date, rate of pay, holiday entitlements, any benefits provided under the agreement along with any training provided, their job title and duties required. Often apprenticeships are for fixed periods and the end date of apprenticeship must also be specified in the agreement. Secondly, the agreement must specify that training is the purpose of the agreement and what will happen upon completion of the agreement, such as the skills they are developing and the level of qualification they are working towards.

The apprenticeship agreement is different from the agreement you and the apprentice sign with the training company. You must have a separate apprenticeship agreement with your apprentice.

If you do not have the correct up-to-date apprenticeship agreement the apprenticeship could become a 'common law apprenticeship' which will significantly restrict your ability to discipline the apprentice or to bring the apprenticeship to an end before the qualification is reached. A breach of a common law apprenticeship can result in a business having to pay significant compensation to an apprentice.

If you need any help with your apprenticeship agreements, please contact one of Hethertons Employment Team on **01904 528200**.

