

COVID 19 – Guidance for Apprentices & Employers – furloughed apprentices – updated 24 April

There have been further updates to the Departments for Education to include further clarity around the furlough of apprentices and some additional flexibilities during the Covid-19 pandemic. The full guidance can be found at the link below, however, we have picked out the key guidance around furloughed apprentices and provided further clarity on how businesses can continue to recruit an apprentice into the business.

<https://www.gov.uk/government/publications/coronavirus-covid-19-apprenticeship-programme-response/coronavirus-covid-19-guidance-for-apprentices-employers-training-providers-end-point-assessment-organisations-and-external-quality-assurance-pro>

If you have any questions or queries please contact Karly Lattimore, MD of Training
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Furloughed Apprentices

The Coronavirus Job Retention Scheme allows employers to claim for 80% of furloughed employees' (employees on a leave of absence) usual monthly wage costs, up to £2,500 a month, plus the associated Employer National Insurance contributions, and minimum automatic enrolment employer pension contributions on that wage.

A furloughed employee can take part in volunteer work or training, as long as it does not provide services to or generate revenue for, or on behalf of the employer. Training in this context includes apprenticeship off-the-job training.

Where their provider can continue to deliver training remotely, a furloughed apprentice can therefore continue their apprenticeship whilst furloughed.

Where training is undertaken by furloughed workers, at the request of their employer, workers are entitled to be paid at least the appropriate minimum wage for this time. In most cases, the furlough payment of 80% of a worker's wage, up to the value of £2,500, will provide sufficient monies to cover these training hours. However, where the furlough payment does not meet the appropriate minimum wage for the time spent training, employers will need to pay the additional wages.

Below are some frequently asked questions regarding apprentices who are or may be furloughed. If your question is not answered please contact Karly Lattimore or another member of the training team who will be happy to support

Furloughed Apprentices – Frequently Asked Questions

Can training continue for furloughed apprentices?

Yes, where apprentices are furloughed, they can continue to train for their apprenticeships, as long as it does not provide services to or generate revenue for their employer.

If my apprentice continues to do off-the-job training, can this be more than one day a week?

Yes. The normal off-the-job training rules will apply, so training can be done as a block where this is agreed between the provider and the employer. The 20% minimum off-the-job training over the length of the apprenticeship will still need to be satisfied.

Why should I continue my learning if I can't attend my place of work?

We do not want the disruption caused by the COVID-19 pandemic to prevent apprentices continuing to learn where this is still possible. Not being able to apply the learning straight away might present some challenges, but there are benefits from carrying on with the apprenticeship during this time, including continued engagement and progression that can all be applied to the job once it is safe and practical to do so.

Will I be paid for continuing my learning if I have been furloughed?

Yes. While furloughed you will still be paid by your employer and pay taxes from your income. While you cannot undertake work for your employer while on furlough you can undertake training. Where training has been required by your employer you should be paid the appropriate minimum wage for the time spent training. This will be covered as part of your furlough payment in the first instance.

Your time spent training must be paid at the appropriate minimum wage. Where the total furlough payment amount equates to less than the appropriate minimum wage for the total amount of your time spent training, during the furlough period, your employer should top up your furlough payment.

As an employer how will I know if I need to top up an employee's wages if they are furloughed but continuing with their apprenticeship?

Where training is undertaken by furloughed employees, at the request of the employer, they are entitled to be paid at least their appropriate national minimum wage for this time. In most cases, the furlough payment of 80% of an employee's regular wage, up to the value of £2,500, will provide sufficient monies to cover these training hours. However, where the overall time spent training during the furlough period, attracts a minimum wage entitlement in excess of the furlough payment, employers will need to pay the additional wages. This is because time spent training is treated as working time for the purposes of the minimum wage calculations, and therefore must be paid at the appropriate rate, taking into account the increase in minimum wage rates from 1 April 2020.

Employers should consider the hours that an employee is expected to train during the period of the furlough (which must be a 3-week minimum). Employers will need to ensure that the furlough payment provides sufficient monies to cover these training hours. Where the entire furlough payment equates to less than the appropriate minimum wage entitlement for the training hours during the furlough period, the employer will need to pay the additional wages to ensure at least the appropriate minimum wage is paid for the time spent training.

Where a furloughed worker is paid close to minimum wage levels and asked to complete training courses for a substantial majority of their usual working time, employers are recommended to seek independent advice or contact ACAS.

Recruiting New Apprentices – Frequently Asked Questions

Can an employer recruit a new member of staff into the business as an apprentice?

Yes, an employer can recruit and start apprenticeships as they would have done prior to COVID-19, if all personal and programme eligibility funding rules can be met and the provider is still able to support this activity.

It is important to note that an employer can only claim for furloughed employees that were on the PAYE payroll on or before 19 March 2020. Therefore, it would not be possible for an employer to recruit an apprentice after this date where the intention is to furlough this person immediately and claim wage support from the CJRS.

Can an existing member of staff start an apprenticeship whilst they are furloughed?

Yes, a furloughed member of staff can start an apprenticeship, but they must still meet the learner eligibility and programme eligibility criteria of the apprenticeship funding rules. For example, the apprenticeship must be a real job, the candidate must require a programme that has a minimum training duration of 12 months, with a minimum of 20% off the job training over this duration to become occupationally competent. With regards to learner eligibility, the provider should consider how they would assure the ESFA of the identity and eligibility of the individual and how they would carry out the initial assessment.

Are the evidence arrangements around obtaining learner signatures being relaxed during COVID-19?

When starting a new apprenticeship, and throughout training, signatures are required to form part of the evidence pack. Examples of where the funding rules ask for evidence of signatures to be retained are:

- the apprenticeship agreement
- the commitment statements
- external audit reports for subcontractors
- evidence linking to additional payments such as additional learning support and the care leavers bursary
- contracts for services
- agreements that an apprentice has passed all gateway requirements
- It is expected that where providers already have a digital/electronic signature process, they must continue to utilise their existing processes in accordance with the respective funding rules.

Where a provider has no digital or electronic systems and processes in place to capture a learner or employer signature then, under normal circumstances, a wet signature is required for recruitment and evidence of continuing learning. A wet signature is created when a person physically 'marks' a document.

It is recognised that providers delivering training and/or recruiting learners during the COVID-19 pandemic will experience difficulty in obtaining learner and employer wet signatures. Therefore, where providers do not have systems and processes in place for electronic/digital signatures, during the COVID-19 restrictions we will allow confirmation/evidence to be obtained through email.

At the BPIF we are fully set up to gain digital signatures and therefore remain fully compliant during this period.

If you wish to discuss further how you can continue to recruit and provide apprenticeship training to your staff, please be in touch with a member of the Training team.