

16th December 2022

JOINT COUNCIL FOR WALES UPDATE

Purpose

1. To update members on an issue raised by trade unions in respect of teaching assistant apprenticeships at the Joint Council for Wales (JCW).

Background

2. The Joint Council for Wales is a social partnership structure that brings together local government employers and recognised trade unions. The Joint Council for Wales Employers Side is Chaired by the WLGA Workforce Spokespersons and attended by cabinet members for workforce. The Full Council meets twice per year and is supported by a smaller JCW Executive which meets more frequently.
3. Trade Unions have raised a concern in relation to some teaching assistant apprenticeships and submitted the paper at Annex 1 to the Joint Council for Wales, the paper was considered by the JCW Executive at their last meeting on 05 December 2022.
4. The complaints relate to teaching assistant apprentices employed by a third party and placed within schools, it does not relate to apprentices employed directly by schools and local authorities.
5. Trade Unions have expressed concern that the apprenticeship system is being abused and that the third-party provider is not providing pay and conditions that are commensurate with what the school or local authority would provide if the apprentice were employed directly. It is unclear whether in the cases identified, the apprenticeships are being delivered in accordance with the Specification of Apprenticeship Standards in Wales (SASW) published by the Welsh Government.
6. The information provided by trade unions in the attached paper is anonymised and so it has not been possible to explore the issues raised from the perspective of the relevant local authorities.
7. WLGA workforce spokespersons offered to raise awareness of trade union concerns by bringing the matter to the attention of members of the WLGA Executive Board.

Recommendations

8. **Leaders are asked to:**
 - 8.1 note the report.

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Apprenticeship Concerns
Author Alyn Thomas – GMB Union
Monday 12th September 2022

It would appear to define apprenticeships in Wales is rather an onerous task, whether this is reviewing the “Specification of Apprenticeship Standards for Wales” (SASW), or the use of the guidance that there is available, there is a considerable amount of information to read through and digest before you can understand the premise.

1 For the lay person even for a Union representative whose specialisation is not this area it can be profound and extremely daunting to ascertain sufficient information and knowledge; this allowing sufficient advice to employees or members commencing this task.

1.1 There is a plethora of information, and much of it provides an insight into what our understanding of an apprenticeship might look like, there are 4 levels of a apprenticeships available:

- Foundation Apprenticeship (Level 2)
- Apprenticeship (Level 3)
- Higher Apprenticeships (Level 4&5)
- Degree Apprenticeships (Level 6)

1.2 In its initial stages this may look positive, but to know what is happening we have to consider what does an apprenticeship mean to the ‘person in the street’. I conducted a straw poll, those whom I spoke with responded with the same retort; in that they believed an apprenticeship was a path of learning knowledge, skills and experience whilst gaining qualifications in their chosen pathway.

1.3 Imagine their dismay when I describe a scenario, it is important to highlight that all appreciate that apprenticeships do not just mean school leavers or young people. A Union member makes contact with the GMB, their concern is the apprenticeship they are undertaking is not being done correctly. It is ascertained the member is a more mature person, they have a contract for 30 hours per week as a Teaching Assistant Apprentice; their rate of pay is £4.81 per hour, and they work for 39 weeks of the year.

1.4 They further explain that their contract is not with the school they are working in, it is with an independent company, as well as their 39 weeks per year they are also provided with 3 weeks annual leave per year. If the school in which they work asks them to work additional hours this must be agreed beforehand.

1.5 I was informed that they are given 1 hour per week to undertake their personal learning and academic perspective of the work they are required to undertake. In England apprentices are asked to have at least of 20% of their learning time as classroom time for a 30-hour contract this would equate to 6 hours of classroom time per week.

1.6 In discussion with the apprentice, I was informed that the particular school they worked in, had three apprentices working in the same classroom all together with no other seasoned Teaching assistants present. The class they were required to work in was in a setting with students who had additional learning needs (ALN). Having been aware of the school, my own personal knowledge informed me that these could be students who’s learning spectrum was quite wide and ranged from Attention Deficit and Hyperactivity

Disorder (ADHD), Attention Deficit Disorder (ADD), Autistic Spectrum Disorder (ASD), and would provide some of the most challenging scenarios.

1.7 It was evident from discussion with the school that they were not the employers, they used a third party to provide them with the Apprentice Teaching Assistants. Upon further enquiry it was said there was a difficulty in engaging with staff who wished to become Teaching Assistants and there was a gap in recruitment. This caused further enquiries to be made and, it was ascertained that none of the apprentices in this school were employed directly by the school as they had used a third party, the third party then also contracted the learning perspective from a learning provider within a set arena.

1.8 I have ascertained the school are required to pay the salary of the Apprentice Teaching Assistants; this is done by way of the third party invoicing them for the hours the apprentice works. This means the school is not the employer.

1.9 Unions are not averse to Apprenticeships indeed they believe it is a positive way for students to learn, gain experience, knowledge and skills in an environment which allows them to develop. However they are not in agreement with apprenticeships being used as a form of pseudo 'slave' labour where apprentices are employed on contracts only lasting between 9 months or more to enable them to gain a qualification within the Welsh framework and have no prospect of a job at the end of it.

2. It is understood and appreciated that not all workplaces will guarantee an apprentice a full-time position, but it becomes an abuse of the position when any employer uses such a scheme to bolster their Teaching Assistant Levels at low cost prices.

2.1 Every authority I deal with is outlining the same difficulties, it has become hard to recruit to people centred roles due to the low wages. I don't intend to discuss the current situation faced by Local Authorities at this point but it is interesting to note that Market Supplements are increasingly being used to plug a gap.

2.2 One school has responded to my questions set in a Freedom of information Act, they have clearly responded to note that they expect their Apprentice Teaching Assistants to complete the apprenticeship, this will be level 2 within 12 months for which they are paid National Minimum Wage. When you compare this to what a Teaching Assistant who is employed directly with little or no qualifications and then put through training then the costs are vastly different.

Based upon SCP1 banding for 2021 of £18,333.00 and a 30 hour contract the annual salary would be £9.52 per hour x 30 = £285.85 x 39 = annual salary of £11, 148.44.

An apprentice Teaching Assistant to the same equivalent would be for the same time £4.30 per hour x 30 hours £129.00 x 39 weeks = £5,031 this equates to a saving to any establishment of £6,117.44 per annum.

It is important to highlight that I have not included any holiday pay here, however the contract that I have seen clearly shows they are not being paid correctly as to Harpur Trust v Brazel in being paid 5.6 weeks or 28 days, as this is within a school the leave should be calculated to that of the mainstream workforce. Furthermore, as many of these staff are women, we are potentially affecting the lower paid workforce again.

We cannot under any circumstance ignore the current financial implication to Educational Establishments nor to that of Local Authorities, however it does not detract from the fact that many of these members of staff are not younger people leaving school, these are more mature members of staff who are looking to change their careers. Furthermore, some of these members of staff are in low income households on benefits.

GMB as a Union are in agreement with apprenticeships, but they should be meaningful, have longevity and provide learners with an opportunity to learn effectively gain new skills and move into a pay bracket that is not just stuck in the realms of an Apprenticeship wage currently at £4.81 per hour.

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