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**Employer Guide - Prisoner apprenticeships programme**

New Futures Network

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# Reasons to work with prisoners and prison leavers

There are lots of business benefits to working with prisoners and prison leavers, including:

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| Ribbon outline | **Finding talent:** Around 50,000 peopleare released from prison each year - with many having worked successfully before going to prison. Businesses can tap into a diverse talent pool of people with a range of backgrounds and life experiences. |
| Construction worker female outline | **Resolving skills shortages**: Many prisons teach a variety of industry level skills, with prisoners achieving professional qualifications. Employers can tap into this talent pool to resolve skills shortages. |
| Monthly calendar outline | **Increasing staff retention**: Prison leavers place a higher value on having a job because of a desire to stay out of prison. This often means prison leavers have higher levels of loyalty and retention, which keeps institutional knowledge within your business. |
| Group of people outline | **Diversifying workforces and boosting your social responsibility**: Hiring prison leavers introduces diversity into your business and can be a factor in helping businesses to become more socially responsible. |
| Thumbs up sign outline | **Making a difference:** Employment is a key factor in helping someone adjust to life after prison, giving them structure, a regular income and stability. |

# Background to prisoner apprenticeships

* From 30th September 2022 new regulations came into force enabling prisoners across England to apply for apprenticeship opportunities
* Prisoners can undertake apprenticeships without the need of an employee contract, utilising an Apprenticeship MoU
* Apprenticeships are available in both the closed and open estates.
* The apprenticeship must start whilst the prisoner is still in custody and must be completed on release into the community.
* An apprenticeship gives learners two very important things:   
   1. A qualification – usually in a specific trade or vocation

2. Gaining practical experience and boosting their employability  
 3. Hands-on, in-depth experience, supported by industry experts.



# Release on Temporary Licence (ROTL) – An overview.

Release on Temporary Licence (ROTL) is an important step that enables serving prisoners to participate in activities outside the prison, as part of supporting rehabilitation into the community. One reason that a prisoner is commonly granted ROTL is to facilitate resettlement into the community, including the opportunity to take up paid work – which, under the new scheme, will also enable apprenticeships to be undertaken.

It allows prisoners to be released each day for a period of up to two years before release from prison, to work for employers in the community. This can be full or part-time.

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| **The ROTL process involves the following steps:** |
| 1. Prisoner makes an application for ROTL 2. Prisoner is rigorously risk assessed and monitored to determine suitability 3. Prospective employer and training provider will be risk assessed by prison staff – with factors such as security, location of the placement and/or college, and site health and safety risk assessments all taken into consideration. This process can take up to 12 weeks 4. Prison governor approves a prisoner’s application for ROTL 5. Prison draws up a license for Resettlement Day Release (RDR) – specifying the time, location and purpose of the release. How a prisoner’s release is managed will depend on the local policy at the prison 6. A copy of the RDR license will be provided to the employer and training provider at the start of the apprenticeship. Prisoners are obliged to comply fully with the terms of the RDR licence and that any breach of the terms of the licence may lead to disciplinary action and the termination of the apprenticeship. |

# Closed estate – An overview

A closed prison refers to a type of prison in which day release is not always available. Prisoners are in a controlled environment with limited freedom of movement depending on their activities. These prisons are designed to not only to maintain security but to ensure individuals are given the opportunity to rehabilitate, learn new skills and move forward with a pro-social lifestyle.

Prisoners attend work or education daily to assist in their personal develop and can apply for specific areas they wish develop skills in that will increase their chances of employment on release.

# Choosing a training provider



When choosing an apprenticeship training provider, it’s imperative that they are the right fit for your organisation and understand your individual needs and requirements. There is no “one-size fits all” approach for apprenticeships, given the needs of one business are likely to vary from those of another – and it’s important to find a training provider that delivers the best quality of training in a way that fits your unique company culture.

Though there may be one or more training providers you have worked with in the past to deliver apprenticeships, the fact that you will be dealing with a unique population means it is important for the training provider to be able to demonstrate they recognise the diverse learning needs of prisoners. It is also important for the training provider to be able to address potential constraints including the use of technology to complete assignments - and to determine how these will be accommodated.

**Find apprenticeship training**

To search for Government-approved providers by apprenticeship course provided and postcode, use the government’s ‘Find apprenticeship training’ service: <https://www.gov.uk/employers-find-apprenticeship-training>

If you’re thinking of using a provider you are already aware of, you can also search by provider to see which types of apprenticeships and levels that are offered.

The site also provides an overview of the following:

* **Achievement rate** - How many apprentices complete that specific framework or standard with that provider
* **Employer satisfaction rate** – Further Education (FE) Choices annual survey result for employer satisfaction for that provider, published by the Education and Skills Funding Agency (ESFA)
* **Learner satisfaction rate** -The FE Choices annual survey result for learner satisfaction for that provider, published by the ESFA

**Ofsted grading**

Training providers are regulated by Ofsted – so their most recent rating is a good place to start when determining the quality of apprenticeship training they provide. Ofsted reports are available on the Government website at <https://reports.beta.ofsted.gov.uk/>

Inspections are usually conducted within three years of a provider first beginning to deliver education and training programmes, with three key attributes assessed: leadership; quality and outcomes of training; and safeguarding.

Make sure that you download the provider’s most recent Ofsted report to check both the overall grade, plus grades awarded for the apprenticeships they offer specifically. Ofsted rates providers using just four grades: 1 = Outstanding; 2 = Good; 3 = Requires Improvement; 4 = Inadequate. A good provider will normally be rated at grade 2 or above.

**Sector expertise**

Look for providers with a proven track record of working with businesses in your industry. An experienced provider will have an intricate knowledge of the specific training requirements needed for apprentices to develop key skills in their chosen profession. Often, providers will have in-house curriculum teams, made up of sector-specific experts, who can adapt teaching to fit the needs of apprentices in a particular industry.

**Coverage**

If you plan to recruit apprentices across multiple prisons across the country, check whether the provider has the infrastructure required to deliver training on a national scale. Equally, if you will be working with one or more prisons based locally to where your business is based, you will need to find a provider. Ensure your chosen provider has the infrastructure required to deliver apprenticeships on a national scale consistently.

**Training model**

As prisoners may be taking part in apprenticeships while on day release, prisoners will not be able to take part in apprenticeships with block release training – which involves apprentices attending off-the-job classes and workshops off-site in ‘blocks’ of a week or more, often involving overnight stays near the college or training provider location. Look for providers who deliver day release training, involving the apprentice attending a college or training provider site for one day per week, or a 100% work-based model, the apprentice, where all training is delivered in the workplace.

If you are looking into the provider working in the closed estate, they must be registered for the YPO framework, to enable the prison to directly award them a contract to work inside the prison environment.

**Notices of concern**

When a provider fails to meet acceptable quality and financial standards, they are issued with a notice of concern by the ESFA.

To check whether your preferred provider has received a notice, you can check the current record here: <https://www.gov.uk/government/publications/esfa-current-notices-of-concern>

**Next steps**

Once you have found a few potential apprenticeship training providers, it is time to get in touch and arrange a meeting. This is your opportunity to ask questions about the provider’s accreditation, quality of training, and experience delivering apprenticeship programmes. It is also a chance to discuss the likely needs and requirements of prisoners, as determined between yourselves and the prison, and find out what support the provider can offer them.

It is a good idea to request examples of training materials to get an understanding of the quality of learner resources offered by the provider - a vital aspect of any successful programme.

If the apprenticeship is to be on day release, the next step is to sign a contract with the provider. This contract will outline the terms of your agreement, including the cost of training and any additional resources or support that you will need to provide. As previously stated, if a closed estate apprenticeship Ministry of Justice (MOJ) will arrange the contract. Your apprenticeship levy is then sent to the MOJ FJAA for them to reallocate to the provider.

# Application process

Before recruiting a prisoner apprentice, you should identify a clearly defined role for them in your business.  It could be that you see a future need for a particular skillset, which an apprentice could be trained to fill – and so it is important to ensure that the training programme, delivered alongside your training provider, meets the needs of your organisation.

**Job description**

Crafting an effective job description prior to starting the recruitment process will ensure the skills and requirements for the role are clearly defined.

The job description should contain

* The duties and responsibilities of the apprentice
* The training which will be undertaken
* The qualifications involved
* Expected salary
* Brief information about the company
* Knowledge, skills and any prior qualifications needed

**Apprentice vacancy matching**

Based on the job description provided, prison staff (Prison Employment Lead) will match your requirements with the skills and interests of potential apprentices who would be suitable for the position.

Clear communication channels must be established between the relevant prison and yourselves so that prison staff can highlight individuals that they feel are employment ready and possess the desired attributes. You should consider whether you will need Prison Employment Leads to provide learner profiles, CVs or expressions of interest.

**Engaging potential candidates**

Given prisoners have limited access to IT equipment, conducting online research regarding available apprenticeships is not possible for candidates. We advise that you provide prisons with printed promotional material such as brochures and leaflets, that can be shared alongside the role description. This could include a more in-depth insight into:

* the type of apprenticeships you offer
* the training and qualifications they can study for
* the salary on offer
* an overview of longer-term career benefits of taking part in an apprenticeship programme.

A further option is to run workshops with a group of prisoners, explaining the roles you have on offer. This allows the prisoners to meet members of your organisation and ask questions that will allow them to fully understand the requirements of the job. To implement these workshops please contact [Michelle.downer@justice.gov.uk](mailto:Michelle.downer@justice.gov.uk) the Prisoner Apprenticeship Lead or your local contact at the establishment such as the Prisoner Employment Lead.

**Submitting an application**

Since prisoners are unlikely to have regular internet access, it is important to be aware that job applications cannot be submitted electronically – and so you will need to make modifications to any digital application processes to ensure accessibility for candidates.

One suggested approach would be to supply paper application forms for prisoners to complete. This would help to ensure the application process is straightforward for candidates, and that important information (including previous work history, skills and motivations for applying) can still be captured. The Prisoner Employment Lead can then submit these to you on the candidate’s behalf via email.



# Interview process

Once a candidate shortlist has been identified, the next step in the process is conducting interviews. Prison visits to conduct interviews will need to be arranged well in advance and can be organised via the relevant prison contact.  Alternatively, there is the option of prisoners participating in video interviews. To implement these workshops please contact [Michelle.downer@justice.gov.uk](mailto:Michelle.downer@justice.gov.uk) the Prisoner Apprenticeship Lead or your local contact at the establishment such as the Prisoner Employment Lead.

When interviewing a potential apprentice, it is important to remember that this interview may be the first of their professional life, or a process they haven’t taken part in for several years. Focus on finding out more about their interests and look for transferable skills which will be relevant to the apprenticeship. These may have been gained within the prison environment or in previous employment prior to their imprisonment.

The final decision regarding selection will be yours, but the prisoner’s application will have to be approved by the prison governor.



# Memorandum of Understanding (MoU)

Before an apprenticeship begins, you will need to sign a Memorandum of Understanding (MoU) for each prisoner. The purpose is to ensure that all those who are involved in the process - the apprentice, the placement provider (employer), the training provider and the prison - are aware of the arrangements under which the apprenticeship will take place, and that all parties understand their responsibilities. A copy of the MoU is included as an annex to this guide.

# Induction process

Once employed, the apprentice will need a thorough induction, to ensure they settle into your company quickly and to make them feel comfortable in their new surroundings.

Some apprentices may have been out of the world of work for a considerable amount of time, or may have limited prior work experience, so it is important to bear in mind that starting their new role may be a daunting experience for them.

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| **A good induction process includes the following elements** |
| * an overview of the company’s history, products and services * culture and values * physical orientation (where things are) * organisational orientation (how the employee’s role fits into the organisation) * introductory meetings with colleagues * health and safety procedures * learning and development * the chance to ask questions and receive feedback to aid development |

# Next steps

You will be provided with a named contact in each prison you will be working with, who will liaise with you to understand the needs of your business; work with you to identify suitable candidates; facilitate any prison visits or interviews you may wish to arrange; and remain a single point of contact throughout the recruitment and onboarding process. To implement these workshops please contact [Michelle.downer@justice.gov.uk](mailto:Michelle.downer@justice.gov.uk) the Prisoner Apprenticeship Lead or your local contact at the establishment such as the Prisoner Employment Lead.

# Success Stories

Here are some quotes below, taken from previous prisoner apprentices who have worked with construction company Kier Group:

A picture containing text, outdoor, person

Description automatically generated

Text

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# Appendix A – Apprenticeship ROTL MOU

**Model Memorandum of Understanding – Prisoner Apprenticeships**

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| --- |
| (This model placement Memorandum of Understanding is designed to cover situations in which an offender undertakes a prisoner apprenticeship. A separate model Memorandum of Understanding covers paid and unpaid external placements). |

**MEMORANDUM OF UNDERSTANDING**

**(PRISONER APPRENTICESHIP)**

**INTRODUCTION**

1. The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the Offender, the Placement Provider, the Training Provider and the Establishment) are aware of the arrangements under which the prisoner apprenticeship will take place.
2. The purpose of the prisoner apprenticeship is to progress the offender’s rehabilitation and nothing in this Memorandum of Understanding shall create or shall be deemed to create a contract of employment, a contract for services or a partnership between any of the parties hereto, nor any rights or obligations that are legally enforceable.
3. Nothing in this memorandum should be taken to prevent the Placement Provider separately entering into a written contract of employment with the offender where the contract comes into effect once the offender has been released after serving the custodial element of the sentence.

**THE OFFENDER (Apprentice)**

1. [Name of offender] is reminded that:
   * 1. As a serving offender, he/she will be subject to Prison Rules throughout the duration of the prisoner apprenticeship. Payments for work will, if above the specified threshold, be subject to a levy under the Prisoners’ Earnings Act 1996. For further details, please see PSI 76/2011.
     2. He/She will be released on Resettlement Day Release (RDR) to undertake the prisoner apprenticeship. The RDR licence will specify the time, location and purpose of the release. The terms of the RDR licence may be varied only on the authority of the governor.
     3. A copy of the RDR licence will be given to the Placement Provider by the establishment at the start of the prisoner apprenticeship.
     4. He/She must comply fully with the terms of the RDR licence and that any breach of the terms of the licence may lead to disciplinary action and the termination of the prisoner apprenticeship.
     5. He/she is not employed by the Placement Provider. In the event that the prisoner apprenticeship is terminated that does not constitute a dismissal for the purposes of the Employment Rights Act 1996.
     6. He/she will:
2. Give the Placement Provider relevant information to assist in learner or programme eligibility checks.
3. Comply with any policies and procedures as outlined in the apprenticeship commitment statement.
4. Attend all required off-the-job training and workshops (or notify the Placement Provider (in advance where possible) of non-attendance).
5. Commit to the learning activities required in each module including any additional self-study and research (to take place during normal working hours).
6. Complete any coursework, assignments and exams required to achieve the apprenticeship.
7. Assist the Training Provider in collecting evidence of off-the-job training (where information is held by the apprentice).
8. Attend and contribute to the progress review meetings.
9. Agree, with the Placement Provider, Training Provider and establishment, when learning is complete and that they are ready to undertake the end point assessment.
10. Bring any issues to the attention of the Placement Provider, Training Provider and establishment, including any learning support/health issues that might affect the plan of training.
11. [Name of offender] agrees to the disclosure of previous convictions, that are not prohibited by the Rehabilitation of Offenders Act, to specified persons within [name of Placement Provider] for use solely by [name of Placement Provider] in the management of the prisoner apprenticeship, including checks on [name of offender] behaviour by persons authorised to act on behalf of [name of establishment].

**THE PLACEMENT PROVIDER**

1. [Name of Placement Provider] is reminded that they will:
   * 1. Ensure that the prisoner apprenticeship complies with all relevant health and safety and equal opportunities legislation.
     2. Work with their selected Training Provider to identify the most suitable apprenticeship standard.
     3. Provide assistance to the Training Provider in the eligibility checks of the apprenticeship (outlined below).
     4. Confirm that the Training Provider has made the appropriate checks, and that they have confirmed with the Training Provider that:

* The apprenticeship is the most appropriate learning programme for the individual.
* The apprentice has the opportunity in their job role to gain the knowledge, skills and behaviours needed to achieve the apprenticeship.
* The apprentice has the necessary support and supervision to carry out their job role.
* Prior learning has been taken into account with the design of the programme.
* They have acknowledged that an apprenticeship requires at least 20% off-the-job training over the duration of the training period.
* All off-the-job training must be completed during normal working hours (including English and maths if required).
  + 1. Choose an end point assessment organisation (at least 3 months prior to the end of the programme).
    2. Contribute to and agree a plan of training, as developed by the Training Provider, under which they will:
* Deliver off-the-job training (where agreed and detailed in the plan of training).
* Provide the apprentice with opportunities to practice new skills in the work environment.
* Assist the provider in collecting evidence of off-the-job training (where information is held by the Placement Provider).
* Contribute to quadripartite progress reviews with the apprentice, the prison and provider.
* Agree, with the apprentice and Training Provider, when learning is complete and the apprentice is ready to take an end point assessment.
  + 1. Seek to resolve any complaints brought by the apprentice/Training Provider.
    2. Be clear about the range of work activities entailed in the prisoner apprenticeship and engage with [name of establishment] about any proposed changes to those activities before they occur.
    3. Monitor the timekeeping, performance and general conduct of [name of offender] and provide [name of establishment] with reports at intervals of [ ] weeks or as required.
    4. Facilitate a programme of checks by staff from [name of establishment] to check on [name of offender]’s adherence to the terms and conditions of their apprenticeship.
    5. Inform [name of establishment] immediately, in the event of any breach or suspected breach of the terms of his/her RDR licence by [name of offender] or any breach of the Apprenticeship Provider’s own rules governing the conduct of its employees Placement Provider.

1. [Name of Placement Provider] is reminded that they will not:
2. Ask [name of offender] to do or not to do anything which might constitute a breach of any condition(s) of his/her RDR licence.
3. Name of Placement Provider] is reminded that they must not divulge to a third party any information about [name of offender] and must immediately report any approaches from a third party. They must comply in all respects with the provisions of the Data Protection Act 1998 and the two organisations will agree in writing the names/positions of [name of Placement Provider]’s staff who will have access to confidential information about [name of offender] who must in turn have a copy of these details.
4. [Name of Placement Provider] certifies that serving offenders do not constitute a majority of its workforce and that its business is not dependent on offender labour.
5. The amount of remuneration agreed between the governor and [the Placement Provider] is [insert amount per hour].
6. When setting the rate, it is critical that due consideration is afforded to the risk of the perception of under cutting the local workforce. Accordingly, there is an explicit expectation that the level of remuneration is no lower than the level which a member of the public would be expected to receive for the same task. Where a wage lower than the National Minimum Wage is considered appropriate in the initial stages of an apprenticeship, there should be a clear path towards paying the National Minimum Wage by the three month point of any apprenticeship or, if appropriate, at an earlier stage.
7. [Name of Placement Provider] agrees to apply, so far as is possible and subject to licence conditions, similar terms and conditions relating to pay, holiday entitlement, sickness and other benefits, grievance and disciplinary rules and procedures, and notice periods as apply to others doing the same work.
8. Where the Placement Provider is providing meals or transport or other expenses which an employee would normally be expected to fund themselves, the Placement Provider may make appropriate deductions for these costs where these costs are agreed with both the prison and the offender.
9. [Name of Placement Provider] further confirms that gross pay less the deductions which they make, such as income tax and National Insurance, to [name of offender] will be made into HMPPS Bank Account, details of which are set out below:

BACS PAYMENTS

**Sort code 60-70-80**

**Account Number 10030123**

**Account Name HM Prison and Probation Service**

**Bank NatWest**

Please note the same information applies if cheque are cash payments are required.

*Payments must not be made direct to the offender*

1. [Name of Placement Provider] should provide the following information when making payment which will enable Shared Services staff to identify the relevant offender:

Name of offender

Unique Learner Number

Prison number (if available)

Name of Placement Provider

1. [Name of Placement Provider] will provide pay advice direct to the offender

**THE TRAINING PROVIDER**

1. (Name of training provider) is reminded that it will:
   * 1. Check to ensure that that Placement Provider:

* Has signed an apprenticeship MOU with the Offender.
* Is paying the apprentice a lawful wage.
* Has agreed that the apprenticeship is the most appropriate learning programme for the prisoner.
* Acknowledges that the apprentice requires at least 20% off-the-job training over the duration of the training period.
* Will allow the apprentice to complete their off-the-job training during normal working hours (including English and maths if required).
* Will give the apprentice the appropriate support and supervision.
  + 1. Devise a plan of training, for agreement by all 4 parties, taking account of the following:
* An initial assessment of the learner’s pre-existing knowledge, skills and behaviours (prior learning), against those required to complete the apprenticeship.
* The learner’s current English and maths working level.
* Any learning support needs.
* The minimum off-the-job training requirement.
* Any requirements for training to be sub-contracted (to be agreed with the Placement Provider).
  + 1. Negotiate a price with the Placement Provider, including the following checks (is this needed for our programme?):
* Additional payments/bursaries/small employer waiver.
* Relevant prior learning (which would reduce the content, duration and negotiated price).
* That the Placement Provider understands any obligations in relation to co-investment (where appropriate).
  + 1. Manage/provide the off-the-job training as detailed in the plan of training, which will include:
* Providing an induction programme to the (named) apprentice (and the Placement Provider if required) that explains the plan of training.
* Providing appropriate learning materials to the apprentice.
* Reporting (named) apprentice non-attendance at scheduled training sessions to the Placement Provider.
* Managing/overseeing delivery provided by any third party (subcontractors) as detailed in the plan and in accordance with the funding rules.
* Passing on any apprenticeship funding to any subcontractors (as agreed with the Placement Provider) and to the end point assessment organisation selected by the Placement Provider.
* Ensuring the quality of delivery through regular observations of teaching and learning, and apprentice/Placement Provider feedback.
* Providing any certification as agreed with the Placement Provider/apprentice and/or required by the apprenticeship.
* Leading the quadripartite progress reviews with apprentice, Placement Provider and establishment.
* Updating the commitment statement in consultation with the apprentice, Placement Provider and establishment as and when required.
* Agreeing with the apprentice, Placement Provider and establishment when learning is complete, and the apprentice is ready to undertake the end point assessment.
  + 1. Administer the programme, by:
* Completing any required paperwork (e.g. ILR) and upload data to the ESFA to trigger funding (will this apply to prisoners?)
* Making efforts to secure alternative employment for the (named) apprentice if made redundant by the Placement Provider. Or where the apprentice is transitioned to another establishment.
* Seeking to resolve any complaints brought by the Offender/Placement Provider/Establishment.

**THE ESTABLISHMENT**

1. [Name of establishment] is reminded that it will:
   * 1. Check the eligibility of the apprentice, including that:
2. The apprentice is a serving prisoner who is eligible for ROTL/day release OR who is eligible to undertake the training part of an apprenticeship in a prison industry setting.
3. That the apprentice is within 24 months of their earliest release date.
   * 1. Agree with the Placement Provider the criteria of offender with regards to current and previous offences. Due consideration must be given to the suitability of engagement in the activity, e.g. sector, interface either directly or indirectly with children or other vulnerable groups etc.
     2. Risk assess [name of offender] in relation to the nature of the apprenticeship before RDR can be approved.
     3. Monitor [name of offender] compliance with the terms and objectives of his/her RDR licence by means of site visits and telephone checks.
     4. Inform [name of Placement Provider] if [name) of offender‘s RDR licence is suspended or withdrawn. This information will be provided as soon as possible and, in the case of a suspension, information on the reinstatement of the RDR licence will be supplied.
     5. Provide information on [name of offender] criminal record to [name of Placement Provider] in confidence. (See paragraphs 4 and 5 viii, above).

(points xii to xv are applicable to Public Sector Prisons only)

* + 1. Provide the following information to the Shared Services:
* Offender Name
* Offender Number
* Offender Release Date
* Establishment
* Placement Provider
* Value of payment to offender (net of PAYE)
* Frequency – Weekly/monthly
* Date Paid
* Period Worked
  + 1. Ensure offenders have completed personal bank account details and submit to the Shared Services.
    2. Ensure deduction statements prepared by the Shared Services are issued to offenders.
    3. Act as an intermediary between offender/Training Provider/Placement Provider and the Shared Services.

**GENERAL**

1. [Name of offender] will commence his/her apprenticeship at [ ] on [date].
2. His/Her hours of attendance will be [ ].
3. His/Her supervisor will be [ ].
4. His/Her main duties will be [ ], and he/she will receive appropriate training before undertaking these tasks.
5. No special clothing/equipment will be required / the following special clothing/equipment will be required. [Identify whether special clothing/equipment will be provided by the Placement Provider, the establishment or the offender].
6. In the event of a dispute about the terms of this Memorandum of Understanding, any resolution or variation of the terms must involve all those who are party to it.
7. The apprenticeship defined by this Memorandum of Understanding may be terminated at any time by anyone who is a party to it.

**CONTACT POINTS**

1. For the Establishment:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

1. For the Placement Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

1. For the Training Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

**SIGNATORIES TO THE AGREEMENT**

1. For the Establishment:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

1. For the Placement Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

1. For the Training Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

1. Offender:

[Signature]

[Name]

[Date]

# Appendix B – Closed Estate Delivery Model Template

**Prisoner Apprenticeships - The Closed Estate**

**Delivery Model Template**

Name of prison:

Main Contact:

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| 1. **Which apprenticeships would you be interested in delivering in your prison?** [**Apprenticeship search / Institute for Apprenticeships and Technical Education**](https://www.instituteforapprenticeships.org/apprenticeship-standards/?)   **Please provide more information about the sectors covered and levels and detail any experience you have working in/alongside your chosen sector.** |
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| 1. **Please describe your plans for how apprenticeship training would be delivered in your prison?**   **Please include the volume of apprentices targeted when you will start and how the training will be delivered.** |
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| 1. **Which employers/providers would you plan to work with to deliver apprenticeship training in your prison?**   **Please reference any existing links to employers/providers** |
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| 1. **How will you determine a prisoner’s suitability to undertake an apprenticeship? (Including English & Maths)**   **Please include details of any risk assessments which must be undertaken.** |
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| 1. **How will your facilities accommodate the delivery of apprenticeships onsite?** |
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| --- |
| 1. **How do you plan to identify suitable candidates, and support them with the application and onboarding process?** |
|  |

|  |
| --- |
| 1. **Please highlight any barriers you have identified to delivering apprenticeships in your prison** |
|  |

|  |
| --- |
| 1. **How will you ensure that the apprentices are able to continue their apprenticeship to completion on release, including any plans for using flexi-job apprenticeship agencies** |
|  |

# Appendix C – Apprenticeship Closed Estate MOU

**Model Memorandum of Understanding – Prisoner Apprenticeships in closed prisons**

(This model placement Memorandum of Understanding is designed to cover situations in which a prisoner apprentice undertakes a prisoner apprenticeship within a closed prison. A separate model Memorandum of Understanding covers apprenticeships undertaken on ROTL and paid and unpaid external placements).

MEMORANDUM OF UNDERSTANDING

(Prisoner Apprenticeships in closed prisons)

INTRODUCTION

1. The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the prisoner apprentice, the Training Provider and HMPPS (who are the Placement Provider and the Establishment) are aware of the arrangements under which the prisoner apprenticeship will take place.

2. The purpose of the prisoner apprenticeship is to progress the prisoner apprentice’s rehabilitation and nothing in this Memorandum of Understanding shall create or shall be deemed to create a contract of employment, a contract for services or a partnership between any of the parties hereto, nor any rights or obligations that are legally enforceable.

3. Nothing in this memorandum should be taken to prevent another Placement Provider separately entering into a written contract of employment with the prisoner apprentice where the contract comes into effect once the prisoner apprentice has been released after serving the custodial element of the sentence. Despite being an FJAA, HMPPS will transfer all responsibility to the employer once the prisoner is released from custody.

**THE Prisoner Apprentice**

4. [Name of prisoner apprentice] is reminded that:

i. As a serving prisoner, he/she will be subject to Prison Rules throughout the duration of the prisoner apprenticeship. Payments for work will reflect existing rates of pay for work in a prison setting.

ii. He/She will undertake their apprenticeship while in closed conditions within a prison setting e.g. prison kitchen.

1. iii. Within closed conditions the Placement Provider is HMPPS and he/she is not employed by an external Placement Provider. In the event that the prisoner apprenticeship is terminated that does not constitute a dismissal for the purposes of the Employment Rights Act 1996.
2. He/she will:
   1. Give HMPPS (the Placement Provider) relevant information to assist in learner or programme eligibility checks.
   2. Comply with any policies and procedures as outlined in the apprenticeship commitment statement.
   3. Attend all required off-the-job training and workshops (or notify HMPPS (the Placement Provider)) in advance where possible of non-attendance).
   4. Commit to the learning activities required in each module including any additional self-study and research (to take place during normal working hours).
   5. Complete any coursework, assignments and exams required to achieve the apprenticeship.
   6. Assist the HMPPS (Placement Provider) in collecting evidence of off-the-job training (where information is held by the apprentice).
   7. Attend and contribute to the progress review meetings.
   8. Agree, with the Placement Provider and the Training Provider, when learning is complete and that they are ready to undertake the end point assessment. The apprenticeship must be completed on release and, as a minimum, this means the End Point Assessment (EPA).
   9. Bring any issues to the attention of HMPPS (the Placement Provider and establishment) and Training Provider, including any learning support/health issues that might affect the plan of training.

5. [Name of prisoner apprentice] agrees to the disclosure of previous convictions, that are not prohibited by the Rehabilitation of Offenders Act, to specified persons within [name of Prison as Placement Provider] for use solely by [name of Prison as Placement Provider] in the management of the prisoner apprenticeship, including checks on [name of prisoner apprentice] behaviour by persons authorised to act on behalf of [name of establishment].

**HMPPS as THE ESTABLISHMENT/PLACEMENT PROVIDER**

6. [HMPPS] is reminded that they will:

1. Check the eligibility of the apprentice, including that:
   1. The apprentice is a serving prisoner who is eligible to undertake the training part of an apprenticeship in a prison industry setting.
   2. That the apprentice is within 24 months of their earliest release date.
2. Check the criteria of prisoner apprentice with regards to current and previous offences. Due consideration must be given to the suitability of engagement in the activity, e.g. working in a prison kitchen.
3. Risk assess [name of prisoner apprentice] in relation to the nature of the apprenticeship.

(points vi to ix are applicable to Public Sector Prisons only)

iv. Provide the following information to the Shared Services:

* + - Prisoner apprentice Name
    - Prisoner apprentice Number
    - Prisoner Release Date
    - Establishment
    - Placement Provider
    - Value of payment to prisoner (net of PAYE)
    - Frequency – Weekly/monthly
    - Date Paid
    - Period Worked

1. Ensure prisoner apprentices have completed personal bank account details and submit to the Shared Services.

vi. Ensure deduction statements prepared by the Shared Services are issued to prisoner apprentices.

vii. Act as an intermediary between Prisoner apprentice/Training Provider and the Shared Services.

1. Ensure that the prisoner apprenticeship complies with all relevant health and safety and equal opportunities legislation.
2. Work with their selected Training Provider to identify the most suitable apprenticeship standard.
3. Provide assistance to the Training Provider in the eligibility checks of the apprenticeship (outlined below).
4. Confirm that the Training Provider has made the appropriate checks , and that they have confirmed with the Training Provider that:

* The apprenticeship is the most appropriate learning programme for the individual.
* The apprentice has the opportunity in their job role to gain the knowledge, skills and behaviours needed to achieve the apprenticeship.
* The apprentice has the necessary support and supervision to carry out their job role.
* Prior learning has been taken into account with the design of the programme.
* They have acknowledged that an apprenticeship requires at least 20% off-the-job training over the duration of the training period.
* All off-the-job training must be completed during normal working hours (including English and maths if required) and this will be undertaken within the prison setting e.g. for a catering and hospitality apprenticeship this could be the Barista within a staff mess.

1. Choose an end point assessment organisation (at least 3 months prior to the end of the programme). This may be done in conjunction with an employer if they are the sponsor or by an employer on release.
2. Contribute to and agree a plan of training, as developed by the Training Provider, under which they will:

* Deliver off-the-job training (where agreed and detailed in the plan of training).
* Provide the apprentice with opportunities to practice new skills in the work environment.
* Assist the provider in collecting evidence of off-the-job training (where information is held by HMPPS acting as the Placement Provider).
* Contribute to tripartite progress reviews with the apprentice and training provider.

Once the prisoner is released, the employer, TP and individual will agree when the EPA will take place in the community.

1. Seek to resolve any complaints brought by the apprentice/Training Provider.

xv. Be clear about the range of work activities entailed in the prisoner apprenticeship and engage with relevant staff within the prison about any proposed changes to those activities before they occur.

xvi. Monitor the timekeeping, performance and general conduct of [name of prisoner apprentice] and provide relevant staff within the prison with reports at intervals of [ ] weeks or as required.

xvii. Facilitate a programme of checks by staff from [name of establishment] to check on [name of prisoner apprentice]’s adherence to the terms and conditions of their apprenticeship.

xviii. Inform relevant staff within the prison immediately, in the event of any breach by [name of prisoner apprentice] of the prison’s own rules governing the conduct of prisoners within the work environment.

8. HMPPS as the Placement Provider is reminded that they must not divulge to a third party any information about [name of prisoner apprentice] and must immediately report any approaches from a third party. They must comply in all respects with the provisions of the Data Protection Act 1998 and the two organisations will agree in writing the names/positions of HMPPS staff who will have access to confidential information about [name of prisoner apprentice] who must in turn have a copy of these details.

9. The amount of remuneration agreed between the governor and HMPPS as the Placement Provider is (insert amount per hour) the usual prisoner pay rate relevant to the work being undertaken.

10. Prisoners undertaking an apprenticeship within a prison setting are not entitled to the National Minimum Wage but will instead be paid the usual prisoner pay rate relevant to the work being undertaken

**THE TRAINING PROVIDER**

**15. (**Name of training provider) is reminded that it will:

**i** Check to ensure that that HMPPS as the Placement Provider:

* Is paying the apprentice the usual rate of prisoner pay relevant to the work being undertaken**.**
* Has agreed that the apprenticeship is the most appropriate learning programme for the prisoner.
* Acknowledges that the apprentice requires at least 20% off-the-job training over the duration of the training period.
* Will allow the apprentice to complete their off-the-job training during normal working hours (including English and maths if required).
* Will give the apprentice the appropriate support and supervision.

ii Devise a plan of training, for agreement by all 3 parties, taking account of the following:

* An initial assessment of the learner’s pre-existing knowledge, skills and behaviours (prior learning), against those required to complete the apprenticeship.
* The learner’s current English and maths working level.
* Any learning support needs.
* The minimum off-the-job training requirement.
* Any requirements for training to be sub-contracted (to be agreed with the Placement Provider).

iv Manage/provide the off-the-job training as detailed in the plan of training, which will include:

* Providing an induction programme to the (named) apprentice (and HMPPS as the Placement Provider if required) that explains the plan of training.
* Providing appropriate learning materials to the apprentice.
* Reporting (named) apprentice non-attendance at scheduled training sessions to HMPPS as the Placement Provider.
* Managing/overseeing delivery provided by any third party (subcontractors) as detailed in the plan and in accordance with the funding rules.
* Passing on any apprenticeship funding to any subcontractors (as agreed with HMPPS as the Placement Provider) and to the end point assessment organisation selected by the Placement Provider.
* Ensuring the quality of delivery through regular observations of teaching and learning, and apprentice/HMPPS Placement Provider feedback.
* Providing any certification as agreed with HMPPS as the Placement Provider/apprentice and/or required by the apprenticeship.
* Leading the tripartite progress reviews with the apprentice, and HMPPS as Placement Provider.
* Updating the commitment statement in consultation with the apprentice, HMPPS as Placement Provider and establishment as and when required.
* Agreeing with the apprentice, HMPPS as Placement Provider and establishment when learning is complete, and the apprentice is ready to undertake the end point assessment. This will be post release since the end point assessment must be completed once the individual is released from custody.

v Administer the programme, by:

* Completing any required paperwork (e.g. ILR) and upload data to the ESFA to trigger funding (will this apply to prisoners?)
* Making efforts to secure alternative employment for the (named) apprentice where they are transitioned to another establishment.
* Seeking to resolve any complaints brought by the prisoner apprentice/HMPPS as Placement Provider and Establishment.

GENERAL

16. [Name of prisoner apprentice] will commence his/her apprenticeship at [ ] on [date].

17. His/Her hours of attendance will be [ ].

18. His/Her supervisor will be [ ].

19. His/Her main duties will be [ ], and he/she will receive appropriate training before undertaking these tasks.

20. No special clothing/equipment will be required / the following special clothing/equipment will be required. [Identify whether special clothing/equipment will be provided by the Placement Provider, the establishment or the prisoner apprentice].

21. In the event of a dispute about the terms of this Memorandum of Understanding, any resolution or variation of the terms must involve all those who are party to it.

22. The apprenticeship defined by this Memorandum of Understanding may be terminated at any time by anyone who is a party to it.

CONTACT POINTS

23. For the Establishment:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

24. For the Placement Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

25. For the Training Provider

(Name)

(Position/Role)

(Telephone number)

(e-mail address)

SIGNATORIES TO THE AGREEMENT

26. For the Establishment:

[Signature]

[Name]

[Position/Role]

[Date]

27. For the Placement Provider:

[Signature]

[Name]

[Position/Role]

[Date]

28. For the Training Provider

(Signature)

(Name)

(Position/Role)

(Date)

29. Prisoner apprentice:

[Signature]

[Name]

[Date]

# Appendix D – Provider order form

