



HM Prison &  
Probation Service



Department  
for Education

# Prisoner apprenticeships programme

Employer's guide

July 2022





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# Background to prisoner apprenticeships

For the first time ever, serving prisoners in open prisons are to be offered apprenticeships to give them the skills and training they need to improve their employability prospects on release. The Government intends to bring forward regulations later in the year that will change the law to allow prisoners to access apprenticeship opportunities while they are still serving time but are out on day release or nearing the end of their sentence period.

Breaking the cycle of crime is critical to the Government's mission to drive down reoffending, cut crime and protect the public. The opportunity to undertake apprenticeships will give prisoners access to industry-standard training that will give them the skills needed to lead a more positive and productive life on release, contribute to their communities and break their cycle of crime. Evidence has shown that employment reduces the chance of reoffending among prison leavers significantly.

## Benefits for employers

- **Expanding and upskilling your workforce** - Not only do apprentices bring new ideas and perspectives to your business, but they also increase your skill base, thanks to the formal qualification that they will be taking alongside their work
- **Diversifying your team** - With new staff comes a new enthusiasm for the role, as well as new ways of thinking. Fresh minds are perfect for generating new ideas and seeing things from a different perspective
- **Increasing productivity** - If apprentices are being supported to develop professionally and given the chance to learn new skills and build towards a successful career, they are more likely to give the job their all. This means a boost in motivation, an increase in productivity and an improvement in performance

## Benefits for prisoners

- Gaining practical experience and boosting their employability
- Earning while they learn - studying for a nationally recognised qualification
- Receiving ongoing and personalised learning and development support from experienced colleagues

# 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.

## 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.

## 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

Prisoners will be able to undertake apprenticeship training in the same way as any other apprentices with the exception of block release which requires overnight stays. This is because prisoners will be taking part in apprenticeships while on **day release**, .

## 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.

Once you have made your decision, 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.



# 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 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 staff 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. More information will follow around how this would operate and who you need to engage with.

### 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.



## 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 may be an option of prisoners participating in video interviews. More information around this process will follow shortly.

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.

### 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. More information will follow on this.

# Annex A – MoU

## **Model Memorandum of Understanding – Prisoner Apprenticeships**

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

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### 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 prisoner, 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 prisoner’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 prisoner where the contract comes into effect once the prisoner has been released after serving the custodial element of the sentence.

#### THE PRISONER (apprentice)

4. [Name of prisoner] is reminded that:
  - i. As a serving prisoner, he/she/they 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.

- ii. He/she/they 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.
  - iii. A copy of the RDR licence will be given to the placement provider by the establishment at the start of the prisoner apprenticeship.
  - iv. He/she/they 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.
  - v. He/she/they 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.
  - vi. He/she/they will:
    - a. Give the placement provider relevant information to assist in learner or programme eligibility checks.
    - b. Comply with any policies and procedures as outlined in the apprenticeship commitment statement.
    - c. Attend all required off-the-job training and workshops (or notify the placement provider (in advance where possible) of non-attendance).
    - d. Commit to the learning activities required in each module including any additional self-study and research (to take place during normal working hours).
    - e. Complete any coursework, assignments and exams required to achieve the apprenticeship.
    - f. Assist the training provider in collecting evidence of off-the-job training (where information is held by the prisoner).
    - g. Attend and contribute to the progress review meetings.
    - h. Agree, with the placement provider, training provider and establishment, when learning is complete and that they are ready to undertake the end point assessment.
    - i. 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.
5. [Name of prisoner] 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 prisoner] behaviour by persons authorised to act on behalf of [name of establishment].

## THE PLACEMENT PROVIDER (EMPLOYER)

6. [Name of placement provider] is reminded that they will:

- i. Ensure that the prisoner apprenticeship complies with all relevant health and safety and equal opportunities legislation.
- ii. Work with their selected training provider to identify the most suitable apprenticeship standard.
- iii. Provide assistance to the training provider in the eligibility checks of the apprenticeship (outlined below).
- iv. 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 prisoner has the opportunity in their job role to gain the knowledge, skills and behaviours needed to achieve the apprenticeship.
  - The prisoner 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).
- v. Choose an end point assessment organisation (at least 3 months prior to the end of the programme).
- vi. 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 prisoner 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 prisoner, the prison and provider.
  - Agree, with the prisoner and training provider, when learning is complete and the prisoner is ready to take an end point assessment.
- vii. Seek to resolve any complaints brought by the prisoner/training provider.
- viii. 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.



- ix. Monitor the timekeeping, performance and general conduct of [name of prisoner] and provide [name of establishment] with reports at intervals of [ ] weeks or as required.
  - x. Facilitate a programme of checks by staff from [name of establishment] to check on [name of prisoner]'s adherence to the terms and conditions of their apprenticeship.
  - xi. 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 prisoner] or any breach of the Apprenticeship Provider's own rules governing the conduct of its employees placement provider.
7. [Name of placement provider] is reminded that they will not:
- xii. Ask [name of prisoner] to do or not to do anything which might constitute a breach of any condition(s) of his/her RDR licence.
8. [Name of placement provider] is reminded that they must not divulge to a third party any information about [name of prisoner] 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 prisoner] who must in turn have a copy of these details.
9. [Name of placement provider] certifies that serving prisoners do not constitute a majority of its workforce and that its business is not dependent on prisoner labour.
10. The amount of remuneration agreed between the governor and [the placement provider] is [insert amount per hour].
11. 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.
10. [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.
11. 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 prisoner.

12. [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 prisoner] will be made into HMPPS Bank Account, details of which are set out below:

#### BACS PAYMENTS

<b>Sort code</b>	<b>60-70-80</b>
<b>Account Number</b>	<b>10002383</b>
<b>Account Name</b>	<b>HM Prison and Probation Service</b>
<b>Bank</b>	<b>NatWest</b>

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

Payments must not be made direct to the prisoner

13. [Name of placement provider] should provide the following information when making payment which will enable Shared Services staff to identify the relevant :

Name of prisoner  
Unique Learner Number  
Prison number (if available)  
Name of placement provider

14. [Name of placement provider] will provide pay advice direct to the prisoner

#### THE TRAINING PROVIDER

15. (Name of training provider) is reminded that it will:
- i Check to ensure that that placement provider:
    - Has signed an apprenticeship MOU with the prisoner.
    - Is paying the prisoner a lawful wage.
    - Has agreed that the apprenticeship is the most appropriate learning programme for the prisoner.
    - Acknowledges that the prisoner requires at least 20% off-the-job training over the duration of the training period.
    - Will allow the prisoner to complete their off-the-job training during normal working hours (including English and maths if required).

- Will give the prisoner the appropriate support and supervision.
- ii 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).
- iii 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).
- 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) prisoner (and the placement provider if required) that explains the plan of training.
  - Providing appropriate learning materials to the prisoner.
  - Reporting (named) prisoner 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 prisoner/placement provider feedback.
  - Providing any certification as agreed with the placement provider/prisoner and/or required by the apprenticeship.
  - Leading the quadripartite progress reviews with prisoner, placement provider and establishment.
  - Updating the commitment statement in consultation with the prisoner, placement provider and establishment as and when required.
  - Agreeing with the prisoner, placement provider and establishment when learning is complete, and the prisoner is ready to undertake the end point assessment.
- v Administer the programme, by:

- Completing any required paperwork (e.g. ILR) and upload data to the ESFA to trigger funding
- Making efforts to secure alternative employment for the (named) prisoner if made redundant by the placement provider. Or where the prisoner is transitioned to another establishment.
- Seeking to resolve any complaints brought by the prisoner/placement provider/establishment.

## THE ESTABLISHMENT (PRISON)

15. [Name of establishment] is reminded that it will:

- i. Check the eligibility of the prisoner, including that:
  - a. 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.
  - b. That the prisoner is within 24 months of their earliest release date.
- ii. Agree with the placement provider the criteria of prisoner 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.
- iii. Risk assess [name of prisoner] in relation to the nature of the apprenticeship before RDR can be approved.
- iv. Monitor [name of prisoner] compliance with the terms and objectives of his/her RDR licence by means of site visits and telephone checks.
- v. Inform [name of placement provider] if [name] of prisoner’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.
- vi. Provide information on [name of prisoner] criminal record to [name of placement provider] in confidence. (See paragraphs 4 and 5 viii, above).

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

vi. Provide the following information to the Shared Services:

- Prisoner name
- Prisoner number
- Prisoner release date
- Establishment
- Placement provider
- Value of payment to prisoner (net of PAYE)
- Frequency – Weekly/monthly
- Date paid

- Period worked
- vii. Ensure prisoners have completed personal bank account details and submit to the Shared Services.
  - viii. Ensure deduction statements prepared by the Shared Services are issued to prisoners.
  - ix. Act as an intermediary between prisoner/training provider/placement provider and the Shared Services.

**GENERAL**

16. [Name of prisoner] will commence his/her apprenticeship at [ ] on [date].
17. His/Her/their hours of attendance will be [ ].
18. His/Her /their supervisor will be [ ].
19. His/Her /their main duties will be [ ], and he/she/they 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].
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)

27. Prisoner:

[Signature]

[Name]

[Date]









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