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skills

The National
Skills Academy



CREATIVE
& CULTURAL

A Best Practice

**Guide to Apprenticeships,
Internships and
Volunteering**

Introduction

Creative & Cultural Skills is a national charity that creates opportunities for young people to work in and learn about the creative industries, to ensure that employers benefit from a skilled generation of talent and continue on a course of economic growth.

As a campaigning organisation we believe it's more important than ever to support fair and accessible employment routes into the creative sector that are open to those with the most talent and potential to thrive, regardless of background. We support businesses of all sizes to do this, with a particular focus on helping them create new Apprenticeship and Paid Internship opportunities.

This booklet has been written by Creative & Cultural Skills to accompany Arts Council England's ambition to promote a diverse and skilled workforce in the cultural sector.

Foreword: Darren Henley

Helping to create a diverse and appropriately skilled workforce in the arts and cultural sector is one of the Arts Council's five strategic priorities.

We have been working closely with the sector to build fairer entry and progression routes, which open employment opportunities in the arts and culture to all – from volunteering to paid internships and apprenticeships.

We hope these revised guidelines clarify the obligations of arts and culture organisations in offering these opportunities, but also help to highlight the benefits to everyone. Not only can people interested in a career in arts and culture gain valuable skills and experiences, but as the guide shows, 96% of employers who take on apprentices report benefits to their business – it's a virtuous circle.

Darren Henley OBE

Chief Executive, Arts Council England



Foreword: Pauline Tambling CBE

A decade ago, there were no apprenticeships in the creative and cultural sector. Where the term was applied, it was often informal, with no educational supporting structure and often unpaid. This was bad for young people looking to start a career, and bad for an industry that needs creativity and diversity to thrive.

Similarly, the practice of long-term unpaid internships had shut out those who could not afford to subsidise their own placements. This narrowed the pool of talent available to the creative sector. Young people with connections, or arts graduates, dominated the entry-level jobs, leaving talented young people with little experience of the creative industries, excluded.

The future of the creative industries depends on the way it recruits and nurtures new talent. A diverse workforce enables the widest possible range of people to be involved in the sector. Successful companies recognise there is an economic imperative to recruiting from as wide a talent pool as possible.

At Creative & Cultural Skills, we worked with our partners in industry to form the first creative apprenticeship frameworks. These new apprenticeships were tested by a few pioneering employers and education providers, including many of our founder colleges. Numbers rose from tens to hundreds, and as they proved effective for all involved, businesses and educators started coming to us.

The launch of the Creative Employment Programme in 2013 provided an exponential leap forward. Multi-million pound investment from Arts Lottery funding from Arts Council England gave the wherewithal to tackle youth unemployment by providing paid opportunities for unemployed young people.

Using the engine of apprenticeships, paid internships and pre-employment training opportunities, the Programme has pushed to change recruitment culture in the arts and cultural sector, by helping to diversify the workforce and provide fair access and progression routes in the long term, to help the sector to meet its economic potential.

At the conclusion of the Creative Employment Programme, the landscape of apprenticeships is already very different from when it began. The business case for employers to take on a creative apprentice has been made and resoundingly proven.

The Apprenticeship Levy is driving large arts organisations and museums, as well as large commercial companies in the sector, to formalise their apprenticeship schemes and work with Registered Apprenticeship Training Providers. The message is clear: creative businesses can no longer afford to ignore this route of recruiting and training their future workforce.

We hope that this publication will serve as a guide to businesses seeking to recruit apprentices, interns and volunteers in a responsible, ethical way. At Creative & Cultural Skills, we are always available to talk with, and advise businesses in the creative industries on the best ways of putting the skills of the next generation to work.

Pauline Tambling CBE

Former CEO, Creative & Cultural Skills





An Apprenticeship is a way for a young person or adult to earn while they learn in a real job, whilst undertaking relevant training. Hiring apprentices helps businesses to grow talent by developing a motivated, skilled and certified workforce.

What is an apprenticeship?

An apprenticeship is a paid job with a training element. Apprentices must work with an employer for at least a year, learning how to do the job they've been recruited for.

Apprenticeships currently have three core elements:

- On the job learning (the job)
- Off the job learning
- Functional Skills, covering English and maths

If you're thinking of taking on an apprentice, the following steps may help you decide whether this is right thing for your business:

1. **Write the job description.** This will tell you if you have a real role for an apprentice to fill. The role content will also help determine the most appropriate apprenticeship framework or standard to choose. Apprenticeships cover a wide range of occupational areas and specific job roles from administration, fundraising, and HR to more creative roles such as venue technicians and broadcast production engineers.
2. **Check your funding.** In England, apprentices must be employed and paid for a minimum of 30 hours a week and have a contract of employment in place for at least 12 months (or the equivalent number of hours over a longer period of time if they are undertaking the apprenticeship part-time). Ideally employers should contract an apprentice for the typical duration stated in the apprenticeship standard the apprentice will be working to – this can sometimes be a number of years. All apprentices must be paid at least Apprenticeship Minimum Wage.

The apprentice 'National Minimum Wage' applies to all 16 to 18 year olds and to those aged 19 and over in the first year of their

apprenticeship. If an apprentice turns 19 and has completed the first year of the apprenticeship, the employer must pay the apprentice at least the full 'National Minimum Wage' rate for their age, where they are on a continuous contract of employment. It is important that employers are able to cover the full wage costs for the duration of the apprenticeship so the apprentice has sufficient time to complete their apprenticeship.

3. **Identify a training provider.** Apprentices must work towards gaining their apprenticeship certificate, which means employers need to partner with an approved Apprenticeship Training Provider who is registered to support the chosen apprenticeship. The Training Provider will check that the apprentice will be working in a safe environment, and can support employers with recruitment. They are also responsible for informally assessing the apprentice's performance against the requirements of the apprenticeship. The Training Provider is responsible for delivering the required minimum 20% off-the-job training to the apprentice, which should take place within the apprentice's paid contractual hours.

Unlike apprenticeship frameworks, training providers may not be delivering qualifications to apprentices as part of their off-the-job training if working to an apprenticeship standard (unless a qualification has been mandated within the relevant standard or is deemed a licence to practice). Training Providers are now required to deliver occupationally relevant training in line with the knowledge, skills and behaviours of the respective apprenticeship standard, to meet the employer's needs.

4. **Start recruiting your apprentice.** This could involve recruiting a new member of staff or converting an existing job role into an apprenticeship. Apprenticeships can be entry level roles or higher level roles requiring someone with previous experience. In either case, someone should only undertake an apprenticeship where the opportunity will allow them to gain new skills, knowledge and behaviours relevant to the role. If a candidate is already able to fulfil the requirements of an occupation they are not eligible to undertake an apprenticeship in it.

With entry level opportunities, employers should use language in their job adverts/job descriptions that reflect the entry level nature of the job and avoid unnecessary pre-requisites for entry.

The Government is looking to encourage higher level apprenticeships, but these are being designed with learning on-the-job in mind, so won't necessarily require a high level of skill or experience prior to entry either. The level of an apprenticeship

determines the level of difficulty/responsibility at which an apprentice would be expected to be working at by the **end** of their apprenticeship, not the start.

5. **The apprentice's first day.** For some apprentices, this will be their first real experience of the workplace so it's crucial that this first experience is a positive one. We encourage a thorough induction into the organisation including health and safety, IT, company policies and procedures and time spent learning about the other roles in the organisation. Don't underestimate the small things! Basic information like how to use the telephone, where staff can make themselves a drink and have their lunch, what to do if you are sick and what to wear to work are all really important when you're first starting out.

6. **Throughout the apprenticeship.** The apprentice will complete most of their training in the workplace whilst undertaking their job. The employer is also obligated to give the apprentice time within their contractual hours to undertake their minimum 20% off the job training. Periodically, the training provider may visit the workplace to review the apprentice's performance and observe them in the workplace. The apprentice's line manager is encouraged to be part of this process.



What are the benefits of employing an apprentice?

Reported benefits include improved products or services, the introduction of new ideas to the organisation, improved staff morale and better staff retention. Apprenticeships are also a good way to introduce an existing staff member to line management responsibilities.

Apprenticeships also help support the next generation of talent by expanding new entry routes and reaching a wider demographic, in turn encouraging a more diverse workforce.

Employ a young person

Creative & Cultural Skills offers employers direct, tailored information about the apprenticeship process, and can support you through every stage of taking on an apprentice.

Apprenticeships can be new or existing opportunities. If you are planning to advertise for an entry level post, or you have an existing employee you wish to upskill, you could convert it into an apprenticeship to provide a training and development opportunity.

The Apprenticeship Reforms

In April 2017 the Government changed the way apprenticeship training was funded and the way apprenticeships are delivered, with an increased onus on the employer to choose what training an apprentice receives in order to help them become occupationally competent.

As a result, all employers with an annual pay bill of £3 million or more are paying a 0.5% levy on wage costs above the £3 million. This levy is deducted automatically each month via a company's PAYE and is transferred into apprenticeship vouchers for the employer to spend on apprenticeship training. The value of an employer's apprenticeship vouchers depends on the proportion of staff the employer has with an

England postcode. The monthly levy payments are multiplied by the proportion of England based staff and is then topped up by 10% with Government funding.

Those employers who are not subject to levy are now required to make a 10% contribution to the training costs of apprenticeships, paying this directly to their chosen training provider. This is 10% of the funding band allocated to the respective, which can be found in the apprenticeship standard's literature. Information about apprenticeship standards can be found here:

<https://www.instituteforapprenticeships.org/apprenticeship-standards/>

Until recently, apprenticeships have been delivered against Frameworks, which determine the individual units of learning that an apprentice must undertake and the vocational understanding they must demonstrate in order to earn the qualifications that make up the apprenticeship.

Going forwards, apprenticeships will be delivered against new Standards which outline the range of skills, knowledge and behaviours relevant to the job. The new Standards should provide greater flexibility for apprentices and employers and help recognise and reward the development of occupational competencies across a range of job roles and contexts. Qualifications do not commonly feature as part of new apprenticeship standards unless an apprentice is specifically undertaking a Degree Apprenticeship or working to a standard where a qualification has been mandated within it, including any required license to practice.

Through the new Standards, occupational competency will be assessed at the end of the apprenticeship by a dedicated and registered End-Point Assessment Organisation, selected by the employer. The assessment organisation will also be responsible for issuing a final grade of achievement.

For more information about the levy and new apprenticeship standards please contact Creative & Cultural Skills at info@ccskills.org.uk

What is an internship?

There is no formal, legal definition of an internship. However, Creative &

Cultural Skills tends to define an internship in the following ways:

- A short term opportunity (ideally between two weeks and six months)
- A paid entry-level job, where the intern fulfils 'worker status' under the contractual relationship with their employer
- The first experience of a particular sector or role, or the 'next step' on from, for example, a volunteering role
- A defined job role with a dedicated job title, unless the intern is undertaking a work shadowing role only.



An internship provides an entry-level career development opportunity which is beneficial to both the employer and intern, but unlike an apprenticeship this does not need to include formal training or a need to achieve a certificate at the end. There is no legal minimum employment length, as there is with an apprenticeship.

Why does internship

There is both a moral and legal obligation to pay interns.

If employers create unpaid internships they will be creating opportunities that can only be accessed by those who are able to work for free, which in turn will have a detrimental impact on the diversity of our workforce and limit the sector's access to talent.

Employers that fail to work within National Minimum Wage regulations are also putting their business at risk. Organisations found to have unpaid workers may find themselves incurring significant financial penalties, paying back the unpaid worker for every hour they have worked at the appropriate minimum wage rate, and subject to tribunal proceedings. For many employers in our sector the cost of this process would be hugely destabilising and could result in company closure. In summary, it's just not worth the risk!

What makes someone a worker?

A person is generally classed as a 'worker' if:

- they have a contract or other arrangement to do work or services personally for a reward
- their reward is for money or a benefit in kind e.g. the promise of a contract or future work
- they have to turn up for work even if they don't want to
- they aren't doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client

It is important to remember that a contract can be implied, so if it isn't in writing it doesn't mean it doesn't exist. If you are asking interns to undertake work for the company and you are dictating the hours and days that they work you must pay them.

Does an intern always need to be paid?

No. If an individual wishes to undertake an internship as part of a formal programme of study (e.g. a Bachelor's degree) and is using the opportunity to help them meet the assessment criteria for this programme, then they do not need to be paid. Similarly, if an individual is undertaking an internship solely to shadow another member of staff (and not to undertake any core business duties themselves) then they do not need to be paid.

Best practice steps to recruiting an intern

- 1. Introduce a policy for Internships.** If you want to create internship positions in your organisation it is sensible to introduce an Internship Policy. This should state clearly the circumstances in which you might take on an intern, how they can expect to be treated, and what you expect from them. You need to put a consistent contract in place, which will protect both you and your interns.
- 2. Undertake open and fair recruitment.** Too often we see creative and cultural employers give away internship positions to a family friend or associate. Not only is this an unfair way to recruit, but it also means you might not be getting someone who is best suited to your business. For these reasons we encourage employers to follow open, fair and transparent recruitment practices.
- 3. Remember, this is an entry level job.** It's important to remember that internships are entry level jobs so job adverts should use language that reflects this and should not seek unrealistic levels of experience and/or training from candidates. It is sensible to advertise the job description and all of the documents openly and in a range of relevant places – remember the job sites that you are most familiar with may not be known to everyone, particularly those who are just starting out.

- 4. Before the intern starts.** You should always have a written contract in place, defining the intern's working hours, the length of the internship, the intern's goals and their obligations. Plan in advance any training the intern will require for their role. Share this plan with them on their first day. The training should include a health and safety induction tailored to your workplace (particularly if your organisation works in live events or deals with machinery). You should also put together a work plan, and discuss this with the intern before they start work.

- 5. Managing the intern once they start.** Assign your intern a line manager of an appropriate level and with the right skills and experience. This manager should be in a position to advise and support the intern throughout their internship and have sufficient time to do so. You should offer your intern a performance appraisal at the end of their internship and at a mid-point if appropriate: this is an opportunity for both parties to discuss what went well and what could have gone better.

Remember, there is no obligation to keep an intern on at the end of the opportunity, but please avoid raising false expectations. Make sure that your plans for the end of the internship are stated clearly from the beginning wherever possible. If you know it won't be possible to keep them on following their internship, then outline your plans for providing the intern with recommendations for future employment or help them look for vacancies.

Volunteering

What is volunteering?

Volunteering is any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives.

Volunteering must be a choice freely made by each individual. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation.

What is a volunteer to the workplace?

A volunteer is not classified as an employee or worker under UK law, if the person does not have an employment contract with the organisation. All volunteers should be:

- able to volunteer an amount of time over any period that suits their needs. This is highly unlikely to be fulltime i.e. Monday to Friday, 9am-5pm;
- offered training (and any protective clothing) that is appropriate to assist them in carrying out their voluntary duties;
- assigned a mentor or supervisor, to monitor progress;
- reimbursed genuine, necessary, documented and agreed expenses;
- offered a volunteer agreement to clarify the expectations for both the volunteer and organisation.

Creative & Cultural Skills believes volunteers should:

- volunteer for a reasonable and mutually agreed period of time if the volunteer is someone at the start of their career who wants to learn new skills, and is aiming to gain experience and seeks future paid employment. Should the volunteer choose to leave at any time they are free to do so, but it may be beneficial for the opportunity to be completed if future paid employment in the industry is sought, or;
- be someone who is prepared to volunteer without expecting to secure paid employment as a result. For example, someone who is well established in their career and prepared to 'give something back' or someone who is retired.

When would you not be a volunteer?

- If helping out a family member;
- If given money other than expenses; or there is a contract to do work (not including any 'volunteer agreement' that may be in place)

What is a Voluntary Worker?

There is a category of volunteer called a voluntary worker. This is a little different to a standard volunteer.

Voluntary workers:

- Are unpaid but can have a contract of work in place to undertake work or services
- Can only work for a charity, a voluntary organisation, an associated fundraising body or a statutory body. They cannot work for commercial organisations.
- Must be able to come and go as they please
- If they are undertaking the same duties as a paid worker in the organisation their role may need to be paid

Volunteer agreements

Many organisations use volunteer agreements. These can be useful for setting out mutual expectations on one or two sides of A4. However, they should not be very formal, nor use language or imply conditions that appear contractual. Nor should they be referred to as 'contracts'.

What should a volunteer expect from you?

For most part-time on-going volunteering roles within an organisation, a volunteer should expect you to put in place the following:

- An induction where the volunteer is told about the organisation and its policies. This would generally cover health and safety, what to do if you have a problem and an introduction to other staff and volunteers.
- A volunteer should be told who their supervisor or leader is and how to contact them. It is important that they have a named person who they can go to with any problems or queries.
- Adequate training to be able to carry out their role.
- Ongoing support and supervision, to make sure the volunteer is happy in the role.

Volunteers are not covered by employment law, because employment law is usually based on having a 'contract' of employment or for providing work or services for a reward. This does not mean of course that businesses or individuals can be discriminatory towards their volunteers or treat them unfairly. As well as the clear moral case for this, no organisation would be able to retain volunteers for long if they felt they were being poorly treated.

Organisations involving volunteers should make it their duty to keep abreast of good practice in volunteer management and should include volunteers in their equal opportunities policies.



FAQs

Do I need to treat an apprentice differently to other staff?

No. To an employer an apprentice is an employee and should be treated as such. We do however ask that employers recognise that apprentices are learning how to do a job and that this may require some patience and understanding.

Are they entitled to holiday?

Yes, in line with the company's holiday/leave policy. They are also entitled to the same benefits that other staff are as outlined in your company policies.

How old does an apprentice need to be?

An apprentice can be any age as long as they are 16 and over and have completed their GCSE year at school.

How long should an apprenticeship last?

In England an apprenticeship must last for minimum of 12 months. However, employers should ideally contract their apprentice for the duration recommended in the respective apprenticeship Standard.

For some advanced and higher level apprenticeships the recommended duration can be several years.

Do I have to employ them at the end of the apprenticeship?

Whilst there is no obligation for an employer to keep the apprentice in employment at the end of the apprenticeship, creating apprenticeship opportunities with longer term employment in mind is considered preferable. We ask that employers manage all expectations associated with continued employment with the apprentice from the start, and avoid promising continued employment where this can't be guaranteed.

Where continued employment isn't an option please support your apprentice to find work elsewhere.

Are internships just for graduates?

No. Whilst some companies specifically run graduate internship programmes, internships can be for anyone of working age regardless of previous educational achievement.

Is there an upper or a lower age limit for volunteers?

No, but it is a very good idea to obtain parental/guardian consent for volunteers under 16. When giving a consent form to a volunteer, also consider providing a volunteer role description and publicity leaflets about your organisation. This will help the volunteer's parent/guardian understand what your organisation does, what the young person will be doing, and when and where they will be volunteering.

Whilst there are no upper age limits on volunteering, some organisations find that their insurance companies will not extend their policies to cover people over a certain age, so it's worth checking whether the organisation's insurance will cover the individual should an issue arise.

Links to helpful guidance

Contact us

info@ccskills.org.uk

Minimum Wage

www.gov.uk/national-minimum-wage-rates

Creative Careers

ccskills.org.uk/careers

Volunteering

www.ncvo.org.uk/about-us