


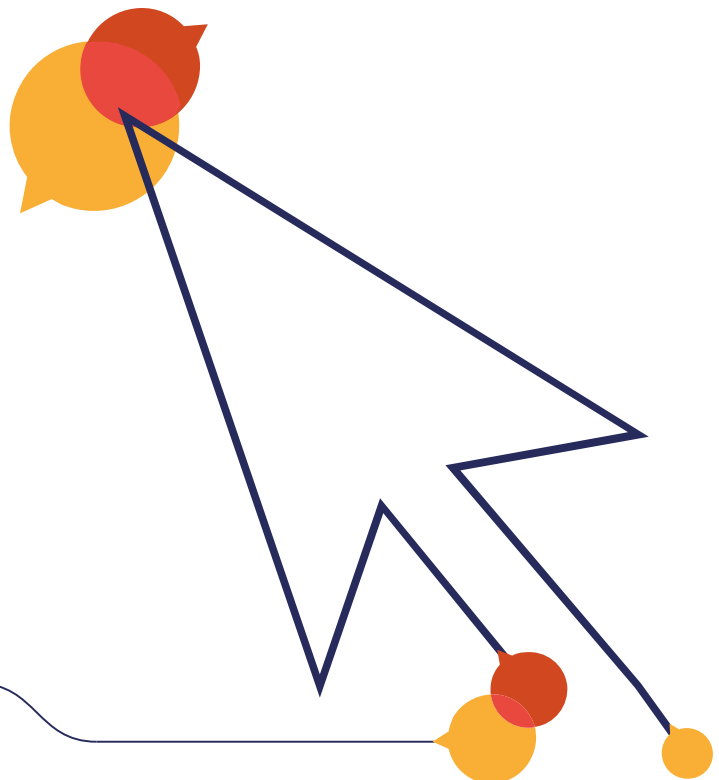
The RoSPA Inquiry into Apprentices

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A report on the outcome of the consultation exercise to RoSPA's National Occupational Safety and Health Committee.

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Introduction

As part of its role in helping RoSPA to deliver its mission – “to save lives and reduce injuries” – the charity’s National Occupational Safety and Health Committee (NOSHC) has instigated an inquiry into health and safety arrangements for apprentices. In December 2015, NOSHC launched a consultation exercise and, in this report, we look at the views of our respondents on: what is working well; the main “gaps”; and what more could be done. The report is intended as an initial look to stimulate further debate.



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1. Conclusions and recommendations

1. The typical apprentice is most likely to be 25 or older, female and working in the service sector. Most of the advice and information on health and safety for apprentices appears – either explicitly or implicitly – to assume that apprentices are aged 24 or under, male and working in sectors such as construction, engineering and manufacturing. While it is appropriate that effort should be targeted at the areas of highest risk, there is an urgent need for guidance to address this information deficit.
2. Following on from (1) above, there is a dearth of health and safety information that is specifically related to apprentices who are not “young”.
3. Information, advice and injury and ill-health statistics too often conflate apprentices and young workers. There is a need to compile injury and ill-health numbers and rates for apprentices, by age, across a range of industries, as opposed to statistics for young workers.
4. The HSE’s guidance on apprentices is limited and mainly covers young people and those on work experience, rather than apprentices specifically. Moreover, the guidance on apprentices is, at points, confusing.
5. There is a need for far clearer and practical official advice on the types and levels of checks that should be carried out by organisations when placing trainees. This advice needs to avoid the “deregulatory speak” that characterises and confuses the HSE’s most recent guidance.
6. There is a need for greater advice for apprentices around occupational health and wellbeing issues.
7. The role of schools is important in preparing young people for work; there is a need for definitive guidance for educational establishments.
8. The increasing numbers of people with learning difficulties and/or disabilities starting apprenticeships may necessitate consideration of any need for targeted and specific health and safety guidance.
9. There may be a need for greater clarity as to the levels of competence that are required organisationally and individually when taking on apprentices.
10. All of the responses to the consultation, and most published information aside from prosecutions, came from organisations that appeared to be pursuing good practice. There is



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a need to reach and address organisations that may not be as adept in health and safety management when taking on apprentices. Moreover, the complexity and length of some of the forms and information may be off-putting for these organisations. There is, however, a significant amount of excellent existing advice, which may require only highlighting and signposting. Should RoSPA lead the development of tripartite guidance?

11. Communication methods should exploit the types of everyday technology and media with which apprentices are most familiar and also pay particular attention to how best to engage young people.
12. Young workers need to be equipped with “soft skills” in addition to health and safety-specific knowledge. They also need to be empowered.
13. Engagement with young people should start well before apprenticeships, including during traineeships (a route into apprenticeships).
14. There needs to be a focus not just on keeping apprentices safe but teaching them more broadly about hazard, risk and control as well as the essentials of safe and healthy working, not least as a foundation for further health and safety training if and when they go on into more senior roles. This would also provide a foundation to help apprentices make safer and healthier choices outside of work too.
15. Apprentice numbers are set to more than triple by 2020, which presents both challenges and opportunities for risk management and education.
16. There is a need to engage key players in the “apprenticeship industry”, in particular the training organisations.



2. Who are our apprentices?

Apprenticeships are paid jobs that incorporate on and off the job training, with the achievement of a nationally recognised qualification on completion. There are over 100,000 employers in over 200,000 workplaces in England offering apprenticeships covering more than 170 industries and 1,500 job roles. A recent House of Commons briefing paper offers a valuable insight into apprentices¹ in England (training and skills are devolved policy areas). The paper includes revised data for the year to April 2015, which was released in December 2015.

The paper advises that there were 871,800 people on an apprenticeship in England in 2015/15, which was 20,300 (2%) more than in 2013/14. Of the total, 499,900 had started during the year (“starts”), which was 59,500 (14%) more than the previous year and the first year since 2011/12 in which apprenticeship numbers increased. (Data from 2011/12 onwards is not directly comparable to earlier years.)

Age of apprentices

The House of Commons paper debunks the misconception that apprentices are predominantly young. Of the almost 500,000 apprentices starting in 2014/15:

- 126,000 were aged under 19 (25%);
- 160,000 were aged 19–24 (32%); and
- 214,000 were aged 25 and over (43%).

Before 2004/05, apprenticeships were not available for people over the age of 24. In each of the past five years, however, the 25+ age group has had the largest number of apprentice starts. Moreover, as a proportion of all starters, those aged under 19 fell to 25% in 2014/15 from 42% in 2009/10, and those aged under 25 fell to 57% from 82% over the same period.

¹ *Jeanne Delebarre (2016), “Apprenticeship Statistics: England (1996-2015), House of Commons briefing paper Number 06113, 5 January 2016, bit.ly/26PhgKM*



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Apprenticeship sectors

Almost three quarters (73%) of all apprentice starts in 2014/15 were in three sectors:

- business, administration and law (29%);
- health, public services and care (26%); and
- retail and commercial enterprise (18%).

Gender

In 2014/15, 53% of apprenticeships starts were by women (264,800) and 47% by men (235,100).

More women than men have started apprentices in each of the past five years.

Level

In terms of the three levels of apprenticeships in 2014/15:

- 298,300 (60%) starts were on intermediate apprenticeships (level 2 qualifications, equivalent to five GCSE passes);
- 181,800 (36%) starts were on advanced apprenticeships (level 3 qualifications equivalent to two A-Level passes); and
- 19,800 (4%) starts were on higher apprenticeships (level 4 qualifications and above).

The trend since 2009/10, however, has been for intermediate starts to decline, with increases in the two other categories.

Learning difficulties

In 2014/15, 44,000 (9%) of apprenticeship starters were individuals with learning difficulties and/or disabilities, which was 16% higher than in 2013/14, when the total was 38,000. The number has risen in four of the past five years, from 26,000 in 2009/10.



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Apprentice numbers set to grow

A CBI–Pearson report published in July 2014² looked at survey responses from 291 employers (covering 1.4 million employees). The proportion of the respondent companies involved in apprenticeships had risen to 68% in 2014, from 51% in 2009. Of those offering apprenticeships, 69% planned to extend their programmes, while a further 13% planned to start offering apprenticeships within three years. Moreover, the provision of apprenticeships was spreading into new sectors such as professional services.

Government proposals

The numbers of apprentices is set to increase significantly in order to meet the government target of three million apprentices by 2020, which will be funded by a 0.5% levy on employers' wages bill. The 200 apprentice frameworks will also be gradually replaced by employer-led standards.

On 12 February 2016, the Education, Skills and the Economy sub-committee of the Education Select Committee announced an inquiry on apprentices that will look at how the government proposes reaching its 2020 target and how this could affect the “skills gap” in the UK. The sub-committee is also likely to look at the apprenticeship levy, the proposed Institute for Apprenticeships and routes to achieving higher-level apprenticeship qualifications³. Although health and safety is not explicitly listed as a point on which the committee invited submissions, it should fall into the area of: “The quality of, and minimum standards for, apprenticeships, and how standards can be enforced.”

² CBI (2014), “Gateway to growth”, bit.ly/26PhmSB

³ Education Select Committee: bit.ly/24mSFOx



3. Why worry about our apprentices?

Concerns about the wellbeing of apprentices and young workers (albeit often far younger than as defined today) resulted in the earliest legal safeguards in factories and cotton mills, with the Health and Morals of Apprentices Act 1802 (aka the Factories Act 1802)⁴. Over 200 years later, there is widespread consensus that more needs to be done.

A compelling motivation for RoSPA's inquiry is that today's apprentices will become the workers, supervisors, trainers, managers and health and safety leaders of the future. A recent magazine article⁵ on the car maker, Bentley, for example, noted: "One of the most significant features of the master trainers is that several of them were once Bentley apprentices themselves. Eventually, the plan is for every single one to be from a former apprenticeship intake: in theory, making the programme self-sustaining".

The most immediate impetus for action, however, is the oft-repeated wisdom that young workers have higher rates of injury and ill health, with the most frequently bandied HSE statistic that men aged 16–24 face a 40% higher risk of all workplace injury than men aged 45–54 (after allowing for occupations and other job characteristics). This figure was used similarly by the European Agency for Safety and Health at Work, which published a report in 2009 that made young people a priority after it gathered data indicating the non-fatal accident rate was more than 40% higher among those aged 18–24 than in the general workforce⁶. Research from the HSE's Health and Safety Laboratory published in 2015 found evidence linking an increase of injury in young workers with "a lack of work experience and training, poor awareness of occupational risks, inadequate supervision, and possible lack of physical and/or psychological maturity"⁷.

The striking point about most of the research is that it is in fact about young workers. What we have not been able to find, however, are comprehensive statistics that separate apprentices as a discrete category, with analysis by age and industry.

⁴ See: Sheila Pantry's webpages, "History of occupational safety and health", bit.ly/1SMYev9

⁵ "Taking the wheel", March 2016, bit.ly/1W4NcXL

⁶ OSHA (2009), "Preventing risks to young workers: policy, programmes and workplace practices", bit.ly/1WHwnRI

⁷ HSE (2015), "Employers perceptions of the health and safety of young workers", HSE research report no.1061, bit.ly/1gozH2m



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Most commentators nevertheless believe that the evidence shows that apprentices, particularly if they are young, are likely to be more at risk than other workers due to a lack of experience and trained judgment, as well as, on occasions, over-enthusiasm. Many responses implicitly or explicitly highlighted the role of experience. For example, one respondent described an electrocution that arose because an 18-year-old apprentice was not aware that the sun and weather had perished the wire insulation. And while the TUC disputes the “popular perception” that young workers are injured “because they fool around or are immature”, it cites evidence from the European Agency for Health and Safety at Work that employers: give work to young persons beyond their capabilities; provide inadequate information, instruction, supervision and training; and often ignore them in risk assessments.

Injury data

We include two tables in this report that are drawn from the latest suite of HSE data on injuries and ill health. In analysing both tables, extreme caution needs to be taken against simplistic interpretations because the HSE’s statistics are in age groupings and do not distinguish between young workers who are apprentices, on work experience or are just workers who are young. Nor do they give a true indication of the relative risk faced by young workers because they do not compare like for like, for example, the rate of injuries for persons under 25 and over 25 doing the same job.

Table 1 shows that in 2014/15, young workers had a higher fatal injury rate than any age group aside from those aged 60 and over. This, however, was not the case in many of the previous years. The explanation for the fluctuation lies mainly in the fact that the relatively small number of fatal injuries each year in each age category can cause large annual fluctuations in the rates.

In terms of non-fatal injuries, younger workers tend to have lower injury rates than other age groups. (Nor is it possible to analyse trends in non-fatal injuries since 2011/12 because, in April 2012, “over-three-day” injuries became “over-seven-day” injuries and in October 2013 “major” injuries became “specified” injuries.)



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Table 1. Reported Injuries to Employees in Great Britain by Age⁸

Severity of injury	Age of injured person	Year									
		2010/11 (a)		2011/12 (b)		2012/13 (c)		2013/14r (d)		2014/15p (e)	
		Number	Rate per 100,000	Number	Rate per 100,000	Number	Rate per 100,000	Number	Rate per 100,000	Number	Rate per 100,000
Fatal injury		122	0.49	114	0.45	99	0.39	92	0.36	99	0.38
	Under 16	3	n/a	-	-	-	-	-	-	-	-
	16-19	7	0.63	4	0.39	2	0.19	1	0.1	5	0.5
	20-24	7	0.29	8	0.33	8	0.33	10	0.4	9	0.35
	25-34	22	0.38	18	0.31	16	0.27	13	0.22	19	0.31
	35-44	26	0.43	19	0.32	22	0.37	12	0.21	17	0.29
	45-54	23	0.39	31	0.52	26	0.43	26	0.42	16	0.26
	55-59	13	0.62	16	0.78	8	0.38	10	0.46	11	0.49
	60-64	13	1.01	10	0.79	7	0.57	12	0.94	8	0.62
	65+	5	0.97	5	0.95	7	1.21	7	1.08	11	1.6
	Unknown	3	n/a	3	n/a	3	n/a	1	n/a	3	n/a
Major or Specified injury - - - -		24,936	99.2	22,094	87.9	20,198	80	19,114	74.7	18,077	69.6
	Under 16	12	n/a	17	n/a	55	n/a	14	n/a	5	n/a
	16-19	700	63.2	619	59.8	466	44.1	425	42.8	478	48
	20-24	2,018	83.1	1,747	71.3	1,420	58.3	1,344	53.6	1,266	49.5
	25-34	3,996	69.3	3,540	60.6	3,088	52.5	2,960	49.1	2,684	43.7
	35-44	4,730	77.5	3,808	63.5	3,309	56.1	3,029	52	2,690	46.4
	45-54	5,455	93.4	4,759	79.6	4,307	71.1	4,174	68.1	3,905	62.5
	55-59	2,449	117.7	2,017	98.3	1,951	92.4	1,974	90.4	1,877	83.3
	60-64	1,718	133.3	1,405	111.1	1,221	99.7	1,216	95.4	1,209	94.3
	65+	407	78.9	419	79.5	471	81.2	488	75.2	493	71.7
	Unknown	3,451	n/a	3,763	n/a	3,910	n/a	3,490	n/a	3,470	n/a
Over-3-day or Over-7-day injury - - - -		91,693	365	89,196	354.7	60,124	238.2	59,539	232.6	57,967	223.2
	Under 16	17	n/a	13	n/a	31	n/a	19	n/a	18	n/a
	16-19	2,118	191.3	1,874	181	1,139	107.9	1,083	109	1,095	109.9
	20-24	7,176	295.6	6,772	276.4	4,107	168.5	4,075	162.4	4,219	165
	25-34	16,380	284.2	15,372	263	9,753	166	9,704	160.8	9,571	155.7
	35-44	19,650	322	17,400	290.2	10,692	181.3	10,283	176.6	9,617	166
	45-54	20,399	349.4	19,220	321.5	12,499	206.3	12,444	203	12,054	192.9
	55-59	7,104	341.4	6,634	323.4	4,533	214.7	4,680	214.4	4,426	196.3
	60-64	4,643	360.1	4,137	327.1	2,872	234.6	2,751	215.7	2,773	216.4
	65+	684	132.5	766	145.3	763	131.5	792	122.1	910	132.4
	Unknown	13,522	n/a	17,008	n/a	13,735	n/a	13,708	n/a	13,284	n/a

Source: HSE

⁸Table RIDAGEGEN, bit.ly/1NV2746



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Ill-health data

Similar provisos attach to ill health and absence. Table 2 below is extrapolated from three HSE data sets⁹ looking at various facets of age, gender and work-related ill health. The figures represent the average for three years: 2011/12, 2013/14 and 2014/15 (no ill-health statistics were collected in 2012/13). In table 2:

- column 2 shows the average days lost per worker (full-day equivalent) due to self-reported illness caused or made worse by work for people working in the previous 12 months;
- column 3 shows the rate per 100,000 employees of self-reported illness caused or made worse by the worker's current or most recent job for people working in the previous 12 months; and
- column 4 shows the rates per 100,000 employees of self-reported illness caused or made worse by work for people working in the previous 12 months.

What is striking is that the averages for male, female and all workers aged 16–24 are the lowest of all the age groups. It should be noted, in addition to the comments above, that the statistics will also be affected by the fact that many ill-health conditions will have long latencies and it is probable that young workers and apprentices are less likely to be exposed to hazardous substances while training and in the early years of their apprenticeships.

⁹ Tables WRIAGE1, WRIAGE2, WRIAGE3, bit.ly/1NV2746



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Table 2: Extent of Work-related Ill-health

(1) Gender and age	(2) Average days lost	(3) Rate (caused by current job)	(4) Rate (working in previous year)
Males	0.85	1420	3580
16-24	0.30	860	1490
25-34	0.54	1440	2790
35-44	0.76	1360	3580
45-54	1.07	1730	4600
55+	1.35	1460	4620
Females	1.09	1830	4080
16-24	0.55	1350	2300
25-34	0.67	1500	3150
35-44	1.22	2110	4560
45-54	1.27	2180	5120
55+	1.63	1770	4580
All persons	0.94	1610	3820
16-24	0.41	1100	1890
25-34	0.59	1460	2960
35-44	0.94	1710	4040
45-54	1.15	1950	4850
55+	1.45	1600	4600



4. Placing an apprentice

There are numerous advice sources, checklists and assessment forms for organisations involved in placing apprentices, for example, Skills Development Scotland's (SDS) *H&S compliance visit*¹⁰. SDS updated its advice for training providers on health and safety responsibilities in April 2016, and the information is comprehensive and practical, and as good a place to start as any. Most of these forms cover similar ground, although they vary in length and complexity.

Our consultation found individual enthusiasm about the role of some providers of apprenticeships and traineeships, with one respondent noting that they are “extremely professional” when visiting prospective employers for an initial suitability assessment. There were, however, concerns expressed about paper compliance, which were typified by comments made by DTD Training, a consultancy and training business in South Wales that helps providers to improve their approach to health and safety, as well as training staff who vet the workplace.

“Many providers”, according to DTD Training, “are concerned only with contractual obligation and commitment to paper trails to demonstrate the presence of a system, however ineffective or non-compliant.” DTD Training added, however, that the contractual health and safety code of practice “works well” and, although it does not “endorse” the 34 pages of “contract bureaucracy”, it acknowledges that it has given providers “structure and direction”. Vetting the employer’s workplace and monitoring the learner’s health and safety are “prescriptive, contractual elements within the code of practice and give clear focus and method to the importance of learner health and safety”, despite the fact that they are over-complicated, it adds.

RoSPA’s consultation also found some concerns and uncertainties among colleges and training providers about what was expected of them. One respondent lamented the “watering down” of the old Learning and Skills Council Health and Safety Standard¹¹ (HASP) form by the Department for Business, Innovation and Skills, the HSE and the Skills Funding Agency. DTD Training similarly advised that “the original LSC HASP standard and the standard 10 requirement for the learner and the safe

¹⁰ SDS (2016), “Health and safety responsibilities”, bit.ly/1TltKNd

¹¹ Learning and Skills Council (2004), “Standards for health and safety. Information for employers on the Learning and Skills Council’s health and safety standards for learners”, bit.ly/1VImSTo



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learner concept were all processes that gave direction to providers through processes, however flawed at the time, that allowed providers to focus on the safety of the learner.”

Another respondent, from a college, noted that funding contracts with the funding agencies include the need for a “reasonable check” to ensure that the environment into which the apprentice is to be placed is safe. What constitutes a “reasonable” check”, however, was “causing a lot of confusion within the sector”. The respondent claimed that following the Cameron Minshull corporate manslaughter conviction (in which the firm that placed him was convicted of health and safety offences – see box), the sector expected the HSE to produce some additional guidance for colleges and providers, which has not yet occurred. In previous years, according to the respondent, the funding agencies had “very strict” requirements relating to health and safety appraisals of employers, but the “level and depth” of the appraisals is now based on the training provider’s interpretation of what is a “reasonable check”.



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CAMERON MINSHULL

In 2015, the placement of apprentices garnered widespread attention following prosecutions – including for the offence of corporate manslaughter – arising from the death of a 16-year-old apprentice. Inspector Ben Cottam of Greater Manchester Police (GMP) said the case was “a chilling reminder of the dangers of placing apprentices in potentially dangerous work environments”. Inspector Cottam added that he hoped that it would “prompt companies and recruitment agencies operating in this field to review their practices to ensure nothing like this can happen again”.

Cameron Minshull was placed with Huntley Mount Engineering by Lime People Training Solutions on a government-funded Skills Training Agency apprenticeship. He started work on 3 December 2012 and was killed on 8 January 2013 while using a Computerised Numeric Control lathe to make metal components. Unsupervised, he been tasked with manually “deburring” components by putting his arm inside the running machine and using an Emery cloth to polish the components. He was only able to do this because the interlock on the lathe had been defeated. Mr Minshull was pulled into the machine after his overalls became entangled in the lathe.

The GMP-HSE investigation was highly critical of Lime People Training Solutions. Had it complied with health and safety requirements, explained the CPS, it “would have realised that [Huntley] was a wholly unsuitable placement for any apprentice, let alone a boy of 16 years, operating a system of work that was grossly unsafe.” Sarah Taylor, an HSE inspector involved in the investigation, said that: “Organisations that place apprentices with employers should make checks in proportion to the level of risk present in the workplace.” LPTS, however, had placed Mr Minshull “without conducting even basic checks to ensure that it was a safe and healthy environment for any worker, especially a 16-year-old”.

The investigation found that the practice that killed Mr Minshull, far from being exceptional, was undertaken on other lathes, all of which had the disabled safety feature, by the firm’s six young employees, its sole director, Zaffar Hussain, and its supervisor, Akbar Hussain. Elizabeth Reid, a Crown Prosecution Service (CPS) specialist prosecutor said: “The company and its senior management allowed a 16-year-old apprentice to work on dangerous and defective machinery. Not only was Cameron Minshull put to work on machinery without any meaningful supervision but he was provided with limited training.” There were no risk assessments and the Hussains simply told the apprentices to roll up their sleeves.

On 14 July 2015, at Manchester Crown Court, Judge David Stockdale:

- fined Huntley Mount Engineering £150,000 after it pleaded guilty to corporate manslaughter;
- fined Lime People Training Solutions £75,000 for exposing persons other than its employees to risks from its undertaking (s.3(1) of the 1974 Act). The firm was convicted by a jury on 9 July after a three-day trial. It is now in liquidation;
- imprisoned Zaffar Hussain for eight months and disqualified him from acting as a company director for 10 years for a breach of the Health and Safety at Work Act 1974; and
- imprisoned Akbar Hussain for four months, suspended for 12 months, and ordered him to pay a fine of £3,000 for a breach of the 1974 Act.

Judge Stockdale said the young apprentices were “oblivious” to the risks of using the Emery cloth as they were inadequately trained, unqualified, virtually unsupervised and were “effectively left to their own devices”. There was, he added, “a gross and reckless disregard for the safety of employees, each of whom was inexperienced and low paid, and their low pay inevitably played its part in the company’s profits.”

DTD Training argued that government agencies were creating gaps, with the Skills Funding Agency “the prime example”. “The government’s red tape challenge and the aim to reduce bureaucracy in



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all aspects of its activities has caused a great deal of confusion.” In 2011, the SFA withdrew its support staff who were auditing and working with providers including the safe learner website. This, however, came just three months after it launched its new and updated approach to the safe learner concept, the health and safety procurement standards as well as guidance on management and implementation. “The void or gap it created has never effectively been filled,” claims DTD Training.

ENERGY & UTILITY SKILLS

Energy & Utility Skills is an employer-driven organisation that works with apprentices across the energy and utility sector. It claims that its approach “has reduced the safety risks of learners we support (particularly those aged 16-18) with the numbers of accidents or safety incidents much lower when compared to the sector average”.

Energy & Utility Skills has a Learner Management Service that supports apprentices with a dedicated learner manager (LM) responsible for coordinating their learning plans, work placements and wellbeing. The LM also ensures that the learner, training provider and customer meet their respective commitments. Guidance covers personal as well as workplace issues.

Energy & Utility Skills highlights several “key interventions”:

- Workplace vetting occurs before any learner management is put in place. This ensures that placements are suitable for young learners and that the safeguards are present. The vetting checks on: health and safety procedures; accidents and first-aid arrangements; work equipment and PPE; risk assessments; supervision and training; fire and emergency procedures; the working environment; the management of learners and young persons’ health and safety. Following the vetting, an action plan is developed with the employer and reviewed at intervals. The vetting also covers different placement sites, which may be within the same employer or within its supply chain.
- There is a learner induction, which includes a minimum of a one-day health and safety “baseline”. At the induction, learners are issued with PPE and required to produce a copy of a driving licence (if this is needed for the training). Learners also receive a copy of a health and safety guide, which covers the responsibilities of their employer as well as themselves, as well as specific issues such as lone working, drugs and alcohol, and travelling for work.
- The health and safety of learners is a fixed item on the board of directors’ agenda, with an action plan and KPIs.
- All learner managers are trained to at least TAQA (Training, Assessment and Quality Assurance) standards and have a NEBOSH-qualified individual as part of the team. Learner management includes one-to-one reviews, the management and resolution of health and safety issues.



5. Apprentices at the workplace

The key legislation governing the employment by companies of apprentices is set out in the box below. There appeared to be relatively consistent and compliant approaches among respondents to the consultation, as well as in the advice and good practice case studies publicised by organisations such as the British Safety Council¹² and RoSPA. Employers' bodies, for example the EEF¹³, also often provide advice for members.

LEGISLATION GOVERNING YOUNG WORKERS

Health and Safety legislation applies to young persons, including children, in the same way as to any other worker or member of the public affected by work activities. But young persons (anyone under 18) have specific additional protection under health and safety legislation, notably the Management of Health and Safety at Work Regulations 1999 (MHSW) and the Working Time Regulations 1998. Although most earlier industry, substance and process-specific legislation affecting young workers has been repealed, some specific bans still apply, for example on any work involving lead.

In relation to young persons, the MHSW Regulations require employers to:

- take account of specified factors when carrying out or reviewing risk assessments;
- carry out a risk assessment before a young person starts work;
- prohibit young persons from certain work if the risk assessment identifies a significant risk that cannot be eliminated.

The MHSW Regulations in principle prohibit young persons from doing work that:

- cannot be adapted to meet any physical or mental limitations they may have;
- exposes them to substances that are toxic or cause cancer;
- exposes them to radiation; and
- involves extreme heat, noise or vibration.

In practice, this ban applies only to children below the minimum school leaving age (MSLA) because young people over the MSLA may carry out such work if: it is necessary for their training; a competent person properly supervises the work; and the risks are reduced to the lowest level that is reasonably practicable.

The Working Time Regulations restrict working hours so that young people:

- may not work between 10pm and 6am unless they have had a health assessment prior to beginning such work, and regularly thereafter;
- are entitled to a daily rest period of 12 consecutive hours in any 24-hour period;

¹² British Safety Council advice on young workers ("Speak up. Stay safe"): bit.ly/21tp0Ov

¹³ EEF bit.ly/1W4NrIs



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- are entitled to an uninterrupted weekly rest period of two days (consecutive days where possible) in every seven-day period. This may be interrupted by justifiable short periods of work, although the rest period must always be at least 36 hours;
- are entitled to a 30-minute daily rest break if work for more than four hours; and
- are entitled to paid leave each year.

A typical package offered by employers that we have looked at includes: induction training (either as a discrete health and safety module or as part of a wider induction); followed by mentoring and on-site supervision by senior and competent staff; further training, with gradual increases in the complexity and risks of the work taken on; and a corresponding gradual relaxation in supervision levels. Where a company has a dedicated health and safety team, a member of that team will also carry out on-site visits. One construction company respondent emphasised that “the experience of being shown by a competent worker is better than just being told in a classroom ... this works as part of a package deal with all parts tying in together”.

Another company, Studsvik, which works in the nuclear sector, emphasised that is “always conscious” of the numbers of apprentices that it takes on, limiting itself to one or two. The reason for this is the number of operatives that it has available, both in terms of ensuring the apprentice can complete the apprenticeship but also “to have the right mentors available to be able to support the onsite training”. Further boxes below look at the approaches of three companies that replied to the consultation exercise.



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ROLLS ROYCE

Rolls Royce in Derby runs a comprehensive training programme at its workshop and at a local college that lasts for the first nine to 12 months of an apprentice's career. The programme covers more than a dozen areas, from induction, through issues such as manual handling and electrical safety, to issues outside of the workplace such as safe driving.

In the workshop, trainees are placed in teams, with one trainee taking the role of "health and safety champion". Each morning, trainees are expected to raise near misses etc at the start-up meeting.

Rolls Royce has inductions and risk assessments for each internal and external activity, for example outward-bound courses.

FINNING

Finning, the world's largest dealer of Caterpillar equipment, runs a three-year City & Guilds-accredited apprentice training programme through its own Ofsted-approved academy. The programme is linked to Staffordshire Skills Council, and includes four hours of EHS induction on the first day by the head of SHEQ.

The programme covers: safety at home and work; empowerment to stop a task, the wearing by apprentices of a blue safety helmet and blue collars on high visibility overalls; a five-day health and safety induction with an external trainer; allocation of trained mentors and supervisors at each location; apprentice risk assessments and stop and think cards; use of the Caterpillar electronic service information system to detail method statements for every task (used in conjunction with the assessments and cards).

Should an incident occur, the apprentice becomes part of the review team and presents to peers the causes and lessons learned.

DRAX POWER

The majority of Drax's apprentices are engineering craft apprentices aged 16–24. Around 70 apprentices have been trained over the past 10 years in a major industrial facility characterised by high temperatures, large-scale combustion plant, high-pressure steam and liquids.

The first year is mainly facilitated by a training provider, EON Engineering Academy. At the workplace, each apprentice is fully supervised with a "safety kick off" at the start of each task and point of work risk assessment. Following evaluation of competency and trust by supervisors and lead workers, the apprentice is encouraged to take on the task.

In general, apprentices are expected, from the end of year two, to take the lead in the risk assessment of job tasks, and by mid to end of year four, medium-risk tasks. There is also a review programme, which includes health and safety, comprising a quarterly external review of their competency by EON and alternate monthly assessments by Drax Power's supervisor and training teams.



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The British Safety Council has five one-page advice sheets for employers on young people, covering: factors influencing the health and safety of young people; why an employer should think about the health and safety of young people; legal duties; advice on inductions, training and supervision; and communicating with young people. RoSPA offers similar advice¹⁴.

The consultation elicited a small number of less favourable comments on “small jobs” and smaller firms, with one respondent noting that the apprentices encountered had little general training and even less health and safety training, with the situation exacerbated by the persons in charge of the apprentices having little health and safety awareness themselves. When questioned, the apprentices claimed to have tried government schemes, but found them “all theory” and therefore had little chance of subsequently finding a job.

BOX: SPEAK UP, STAY SAFE

On 25 May 2010 the British Safety Council launched a new campaign, *Speak Up, Stay Safe*, to help young people understand the risks to their own health and safety they are likely to encounter when entering the world of work. In June 2010, it launched a report on young workers¹⁵. The campaign aims to give young people the confidence to raise the concerns they may have about unsafe working practices and unsafe equipment with their employer, their family and friends.

The *Speak Up, Stay Safe* campaign builds on work that was already being undertaken by the BSC to enable all young people in full time education between the ages of 14-19 years to obtain the entry level award in workplace hazard awareness¹⁶.

Trade unions

Trade unions publish information on apprentices and young workers and are also parties to joint agreements with employers and industries on apprentices. In 2009, the TUC produced a guide¹⁷ on apprentices for its negotiators and representatives, which has a section on health and safety. Interestingly, the checklist items that the TUC asks representatives to look for at their employers' workplaces is similar to what the employer good practice also requires. Representatives, advises the TUC, should check that:

- the employer has carried out a full and sufficient risk assessment on all aspects of an

¹⁴ RoSPA advice on young workers: bit.ly/1SZpaNs

¹⁵ BSC (2010), “Ensuring the safety and health of young workers”, bit.ly/1Y65zth

¹⁶ bit.ly/1TJDtCN

¹⁷ TUC (2009), “Apprenticeships are union businesses”, bit.ly/1SL37og



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apprentice's proposed work before they start, and that the apprentice's lack of experience and lack of awareness about possible risks is taken into account;

- health and safety is part of the induction training, and that it is appropriate to the kind of work that the apprentice will be doing;
- supervisors are trained and competent to supervise a young person; and are given the time to do so;
- health and safety is an integral part of the training that the apprentice receives;
- apprentices are issued with appropriate personal protective equipment;
- the employer monitors the training being given at regular intervals; and
- all injuries and work-related illnesses of apprentices are recorded and analysed separately.



6. HSE guidance

The HSE revised its online guidance on young workers in June 2013 as part of a package announced by the Department for Work and Pensions (DWP) as “the latest stage of the government’s commitment to debunking health and safety myths and slashing burdensome rules”. In addition to the guidance, the “stage” comprised a ministerial statement¹⁸ and new Association of British Insurers (ABI) guidance under which the DWP advised that “the insurance industry has committed to treat work experience students as employees for the purposes of insurance against bodily injury, and confirmed that simply giving work experience opportunities to students will not in itself impact on insurance premiums”.

Controversially, the DWP claimed that employers had “been hampered in the past by thinking that they have to do special risk assessments for young people”. This appeared to ignore the stipulation of regulation 3(4) of the Management of Health and Safety at Work Regulations 1999 that: “An employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed” a risk assessment. Regulation 3(5) adds that in “making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account” of seven specified criteria relating to young people.

There were different views as to the need for separate risk assessments for young workers among our respondents and in published material, although all either carried out a separate assessment or reviewed an existing assessment. One respondent in particular dismissed general comments that “there is no need for a separate risk assessment for apprentices”, emphasising that the company has hazardous materials and considered it important to consider specific apprentice training. Although this company had specific risk assessments for all routine tasks for all employees, it believed “the apprentices are a slightly different consideration and it was less bureaucratic to produce an apprentice assessment than adjust all the task assessments”.

The HSE’s guidance pages on young workers¹⁹ provide advice for schools and colleges, work experience organisers, placement providers, parents and carers, and students and learners. There is

¹⁸ DWP (2013), “Ministers to end work experience health and safety confusion”, bit.ly/1SX6bjC

¹⁹ HSE (2013), “Young people at work”, bit.ly/1SLzXFy



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also a specific page on apprentices, which advises training providers in England and Wales that²⁰:

“The employer has the primary responsibility for the health and safety of the apprentice and should be managing any significant risks. As the training provider, you should take reasonable steps to satisfy yourself that the employer is doing this. This does not mean trying to second-guess an employer’s risk assessment or risk control measures, and you are not required to carry out your own workplace assessment. You can rely on past experience, for example, if the employer is familiar to you and they have a good track record on health and safety. You should keep checks in proportion to the environment.” The HSE advises “speaking” to, “talking” to or discussing with the employer depending on the risks. As can be seen from the box below, exactly what is required is unclear and the advice is further undermined by the death of Cameron Minshull in that it is difficult to envisage how the company that placed the young apprentice could have appreciated just how dangerous was the reality of the host employer’s workplace without physically looking at it.

Several of our respondents raised issues around interpretation of risk levels that schools and colleges need to address. There is, pointed out one respondent, “an issue between on the one hand the HSE insisting that employers are responsible but then being told on the other that they have to satisfy themselves that the employer’s standard are satisfactory”.

²⁰ HSE (2013), “Apprentices”, bit.ly/1Z90mku



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HSE ADVICE FOR TRAINING PROVIDERS

- “For low risk environments, such as an office or shop, with everyday risks that will mostly be familiar to the apprentice, simply speaking with the employer to confirm this should be enough. This can be part of any wider conversation on placement arrangements that may take place.
- For environments with less familiar risks, like light assembly or packing facilities, talk to the employer to find out what the apprentice will be doing and confirm the employer has arrangements for managing risks, including induction, training, supervision, site familiarisation, and any protective equipment that might be needed.
- For higher risk environments such as construction, agriculture or manufacturing, discuss with the employer what the apprentice will be doing, the risks involved and how these are managed, satisfying yourself that the instruction, training and supervisory arrangements have been properly thought through.
- Check the apprentice knows how to raise any health and safety concerns.”

All apprentices undertaking “modern apprenticeships” in Scotland are employees and the employer again has the primary responsibility for health and safety. The HSE advises, however, that: “Where a third party is involved in organising and/or funding the off the job training element of the apprenticeship, they would be primarily responsible for the health and safety of the apprentice while engaged in the off-the-job training element of the apprenticeship, and should be managing any significant risks. The employer would need to satisfy themselves that the third party was doing this.”

The webpage advice for work experience organisers, which the HSE advises is also relevant to training providers, is similarly unclear, again advising “conversations” with the employer, but not specifying whether these ever need to be in person and, as with much of the advice on these pages, as concerned with what the organiser needs not do (duplicate checks, repeated processes) rather than what it should do.

The launch of the web pages was accompanied by a revised brief guide for employers on young people and work experience, INDG364²¹, on work experience. This provides similar advice to that discussed above.

In its response to RoSPA, DTD Training added that while “the HSE was certainly not there to fill that void created by the SFA’s lack of approach and direction, the government failed to grasp the extent

²¹ HSE (2013), “Young people and work experience: A brief guide to health and safety for employers”, INDG364(rev1), <http://bit.ly/1pYxqjh>;



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of the problem and how the new guidance only added to a confused approach". In Wales, "with the marketplace full of large national providers, sub-contracting and crossing borders, the gaps in their various forms only serve to muddle the message even greater." While there should not be a return to prescription of direction and provision, there has been an "information gap" for some time.

7. Wellbeing

Several respondents, and some online advice, highlights the need for what might be termed a holistic approach to the health and wellbeing of young apprentices, covering issues that do not, of themselves, arise from the workplace. In particular, Energy and Utility Skills called for additional support to address problems that can arise from a lack of confidence, debt, substance abuse and mental health issues, as well as more generally being the first time that young apprentices have earned money or, in some cases, lived away from home.

The support can utilise enhanced HR activity and Employee Assistance Programmes. Although the government's Access to Work programme may have a role to play, Energy and Utility Skills notes that individuals can be hesitant to join such programmes that have a mental ill health connotation. There should, it adds, be greater "engagement with apprentices" at the front end of the apprenticeship to ensure earlier interventions where required.



8. Engagement issues

There are interesting examples of organisations trying innovative ways of communicating with young workers. In 2010, research from the National Centre for Social Research set out ways in which the HSE might improve its communication about long latency diseases (LLDs) with young learners in vocational education and training (VET)²². The report concluded that there was “a need for clarity and consistency across the key stakeholders involved in curriculum development and delivery about the risks of long latency diseases, where they are encountered and what the appropriate responses are. Achieving this clarity will assist with communicating these risks and responses to young learners.” The aim of the report was to help the HSE improve its communications with young learners in order to help raise awareness of risks, change attitudes and behaviours and to embed appropriate control measures. The report found that: young learners prefer interactive and innovative ways of learning; technical language was poorly understood; shock tactics were a useful way of highlighting issues but worried that some young people about the health effects of past exposure; “what we perceive others to be doing can have a powerful effect on our own behaviour. It may therefore be undesirable for health and safety communication to draw attention to others’ poor practice”; the young learners saw health and safety information as being of core importance to their professions and a necessary requirement to keep people safe; and health and safety information reached young learners through three principal routes (college, workplace and general sources such as family and media).

Also in 2010, the HSE’s Health and Safety Laboratory published a “horizon scanning” report²³ on the implications for health and safety of Generation Z, ie those under the age of 16 who are likely to enter the workforce over the next 10 years. The report concluded that although there was less likelihood of the workers sustaining physical injury, “their characteristics would make them more prone to psychosocial illnesses, if they cannot achieve their workplace (or lifestyle) expectations”. At the same time, Generation Z, as well as Generations X and Y (those over 30 and those of working age under 30), “armed with the power of instantaneous access to knowledge and information, are

²² HSE (2010), “How best to communicate health and safety messages to young learners in vocational education and training”, HSE research report no.803, bit.ly/1W7kCWc.

²³ HSE (2010), “The generation gap: towards Generation Z”, Horizon Scanning SR024, bit.ly/1VJ4b1U.



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likely to see issues of health and safety as their own concern and will deal with them as such. Intergenerational changes have seen a progressive growth towards greater individualism than previous generations. The emergent workforce is highly independent and less tolerant (this is already being felt in the workplace with Generation Y) at what they may see as undue interference in their activities, for example supervision and invasive regulation.”

Other insights

In early 2016, the HSE’s new strategy for UK health and safety showcased an initiative to encourage “Learning occupational health by experiencing risks” (LOcHER)²⁴. The lead facilitator for the initiative is Safety Groups UK, and the early results are promising (see box).

LOcHER

“Learning occupational health by experiencing risks” (LOcHER) aims to engage young people in health and safety, was developed by students at colleges in partnership with health and safety industry specialists.

The HSE notes that: “Apprentices learn about occupational health risks, helping embed an understanding of key risks and ways of committing them to their long-term memory. They were given control over how they learned and recorded their discoveries. The students designed posters and created documentary films using their mobile phones to demonstrate what they had learned about occupational health risks. They shared their discoveries via social media with other students at colleges around the world. The approach works because learning is enhanced and retained for longer if it happens in a fun way. This involves a variety of different learning experiences, such as listening, reading, audiovisual, demonstrations, discussion groups and practice by doing. The intention is that the students will take the good practices they have learned into workplaces when they go into industry.”

LOcHER has produced products for three pilots covering spray painting in MVR, wood dust and welding fume. It reports that it has achieved its “high welcome” target for spray painting, and is “on course” to deliver the welding fume and wood dust modules.

It may also be possible to glean insights into engaging young workers from non-workplace initiatives that encourage young people to experience and manage risk²⁵. There are also tangential or specialist initiatives to engage young persons. RoSPA, for example, offers advice on young drivers²⁶, while the British Red Cross has developed the “everyday First Aid methodology” for training young workers²⁷. This describes a number of features that it claims have been proven to be effective:

²⁴ bit.ly/1q0hEo9

²⁵ See, for example, *Council for Learning Outside the Classroom*, bit.ly/1W6xZ93; and *LASER (Learning About Safety by Experiencing Risk)*, bit.ly/1QRcjW2

²⁶ bit.ly/1UvTpux

²⁷ *British Red Cross, “First aid learning for young people. Educator introduction”, bit.ly/1TIIZFJ*



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- simple information that is focused on a single key action to take in a specific first-aid emergency;
- a context that is relevant to how learners might need first aid in their own lives;
- varied, interactive, learner-centred methodologies to support a range of ages and abilities; and
- a focus on building confidence to step forward in a first aid emergency.

The British Red Cross claims that its own research has “shown that focusing on developing confidence, as well as skills, makes it more likely that people will take action in a first aid emergency”.



9. Some good practice tips for employers

RoSPA does not want to reinvent the wheel, so suggests looking at the advice that is already available from organisations such as the British Safety Council, the TUC and RoSPA itself.

Beyond the well documented requirements of risk assessment, induction and ongoing training, supervision and monitoring, the responses to our consultation and review of available information indicate the following “top tips”:

- Think about placing trainees in teams, with one trainee taking the role of “health and safety champion”.
- Encourage trainees to be proactive about health and safety. At a meeting to start the day, encourage trainees to raise near misses and hazards without fear.
- Ensure that there are multiple checks on apprentices by external organisations and different internal departments, as this will help ensure that all facets of the apprentices’ work (and beyond the workplace) are covered.
- Training should cover non-workplace issues such as driving, as well as workplace risks.
- Talk to young people about their views and explain why you care about their safety.
- Wherever possible, use former apprentices as trainers.
- Consider whether there are benefits of marking apprentices’ PPE and clothing so that it is clear to other workers that they are apprentices.





accidents don't have to happen

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