Employment, Social Security and Housing

The introduction of new trainee minimum wage rates and the use of approved training programmes

A guide for employers and employees

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Government of Jersey

Minimum Wage – A Guide to the Trainee Minimum Wage Rates and approved training programmes

Introduction

New trainee minimum wage rates will be introduced from 1 September 2025 for those employees who take part in an approved training programme as part of their employment contract.

This guide sets out the circumstances in which the trainee rate is payable and the conditions that must be met for an approved training programme to be valid. The key points are:

1. Employers may pay the trainee minimum wage for up to two years if the employee is undertaking an approved training programme within a specific role. The guide at Annex 1 shows all approved training programmes, which includes all Highlands College apprenticeship courses.

2. If an employee is enrolled on an approved course listed in Annex 1, this will automatically meet the criteria for the trainee minimum wage rate.

3. If a course is not shown in these lists, the employer must contact Skills Jersey at skillsjersey@gov.je to get approval for the training programme, prior to the trainee wage rate being agreed. See also this link: About Skills Jersey

4. Employees who take up a place on an approved training programme from 1 September 2025 must be paid at least £10.50 per hour during their first year. If the approved training programme extends into a second year, an employee must be paid at least £11.75 per hour.

5. Once all approved training is completed, an employee must be paid at least the main minimum wage, currently £13.00 per hour. In any event, the trainee rate cannot be paid beyond the end of the second year of employment, even if an approved training programme has not been completed by then.

6. A formal written training agreement must be in place, outlining the programme's content, duration, and responsibilities. This must be retained by the employer for at least three years.

7. Training may take different forms, including a structured, planned, and assessed approach, as well as formal, on-the-job learning.

8. Employers are legally required to maintain accurate records of training and wages, provide wage statements to employees, and make these available on request.

9. Financial assistance is available via the Better Business Support Package, managed by Jersey Business, which offers employers an annual grant of £2,000 per apprentice (2025 & 2026). Skills Jersey can also advise employers on the financial help available to them for the cost of approved courses.

This guide is intended to help decide if the training that an employer intends to provide meets the requirement for the employee to be paid at the trainee minimum wage rate.

A. When is an employee a trainee?

1. **The trainee minimum wage rate may be paid to an employee of any age.**

All employees over compulsory school leaving age (from 30 June in the year in which they complete their Year 11 studies) must be paid at least the minimum wage or the trainee minimum wage rates. The minimum wage or the trainee minimum wage rates do not have to be paid to children under compulsory school leaving age.

2. **The trainee minimum wage rate may be paid to an employee who is in the first 2 years of employment in a particular job if they are undertaking an approved training programme.**

This includes a new employee, or an employee who has worked for the employer previously but has started a new job within the business. For example, an employee who has previously been employed as housekeeping staff may take up a new job in the business as kitchen staff, with an associated training programme in food safety and culinary arts.

3. **The trainee minimum wage rate may be paid to an employee who is undergoing an approved training programme for the first 2 years in their job.**

The 2-year period begins to run from the first day of employment in the role. The employer may pay an employee a trainee minimum wage rate throughout their approved training programme in that 2-year period. Approved training is described further below.

An employee must be paid at least the minimum wage at the end of the agreed training period, or after 2 years, whichever is shorter. If an employee does not successfully complete training within that period, but continues to be employed by you, they must be paid at least the minimum wage.
The training must be relevant to the particular job that the employee is doing.

4. **There must be a written training agreement with the employee**.

A written training agreement must be provided, that sets out the terms of the training, including what training will be provided, the duration and timing of training, any terms relating to payment, as well as the responsibilities of the employer and those of the trainee. A model written agreement is provided at Annex 2.

A copy of the agreement must be kept for three years from the end of the training period and be produced on request.

B. What is the trainee minimum wage rate and in what circumstances must it be paid?

1. **Up to 12 months of training.**

The Year 1 trainee minimum wage rate must be paid to a trainee employed for up to 12 months on an approved training programme.

From 1 September 2025 the Year 1 trainee minimum wage rate is £10.50 per hour for new trainees starting an approved training programme on or after 1 September 2025. Trainees employed on an approved training programme prior to 1 September 2025 continue to be entitled to the main minimum wage rate.

2. **More than 12 months of training.**

The Year 2 trainee minimum wage rate must be paid to a trainee who has undertaken 12 months on an approved training programme, if the trainee continues to be trained on an approved training programme for up to a further 12 months in that job.

For trainees who started an approved training programme on or after 1 September 2025, the Year 2 trainee minimum wage rate will be £11.75 per hour, which they would be entitled to after 12 months on the Year 1 minimum wage rate (in other words, during 2026/2027). Trainees employed on an approved training programme prior to 1 September 2025will continue to be entitled to the main minimum wage rate.

After two years of employment in that job, at least the minimum wage rate must be paid, even if an employee continues to undertake training beyond Year 2.

C. What is an approved training programme?

To be described as 'approved training', the training that is to be provided must meet **all** the following criteria:

1. **Formal** training mut be provided.

Formal training can usually be distinguished from informal training by the following characteristics:

- Training objectives are clearly explained; they are structured rather than being undefined

- Training is planned; it follows an agreed timetable, established in advance

- Time and resources are set aside for training. Training activities do not only consist of support in the normal course of work through daily interactions (for example, showing an employee how to use a piece of equipment)

- Training outcomes are tested or assessed

- Training achievements are documented

2. A written schedule of training must be agreed with the trainee before employment commences. In order that training can be clearly identified as formal, rather than informal training, the agreement should include certain information. See the model written agreement at Annex 2.

3. The training must be of a sufficient quality, regularity and duration to enable the employee to reach the required standard.

4. A trainee minimum wage rate may be paid, irrespective of whether the employee reaches the required standard

5. Training activity should be planned across each 12-month period to develop skills over that time.

6. It is not necessary for the trainee to be undertaking formal training at all times over the 12-month period, but training periods should be substantial over the full period, agreed in advance and planned to allow the trainee to practise new skills as part of their overall development.

7. It is the employer's responsibility to ensure that training is taking place and that the employee is undertaking the training.

8. An employer must not charge or deduct any sum from the employee for the costs of the training.

D. Examples of formal training

1. A 12-month training programme may include one, or a combination, of the following types of training:

i. Internal and external formal training

Training delivered by employees of an organisation, e.g. supervisors or internal experts, or training delivered by persons who are not part of the organisation, e.g. training providers, colleges and trade associations.

ii. Certified formal training

Certified training that leads to, or could lead to, a locally or nationally recognised standard or qualification that is externally verified, e.g. GNVQ, 'A' Level, City and Guilds, formal apprenticeship.

iii. Initial and continuing formal training

Trainees might be required to undertake a short course at the start of their employment as well as require them to undertake particular courses at defined stages of employment, e.g. health and safety training. In some industries this might apply to every new trainee.

iv. On-the-job and off-the-job formal training

On-the-job training might include formal mentoring relationships, where the trainee works side-by-side with an experienced employee, for example in service-related training such as preparing food, an internship or apprenticeship. Off-the-job training might include classroom-based instruction either inside the workplace, for example, web-based training, or outside the workplace, for example, community courses, seminars or college day-releases.

v. Specific and general formal training

Specific training increases the productivity of employees in a business, e.g. sales training relating to specific product lines. General training is likely to provide transferrable skills that would be useful in other businesses, e.g. customer services, communications or leadership training. General training

would include training that is provided under a scheme or programme that is designed and provided for the purpose of improving an individual's employability.

Further help and advice on approved training programmes

The employer should ensure that the training programme meets the requirements to be approved. If a training programme fails to meet those requirements, then the employer is required to pay the full minimum wage to the employee.

So that employers can be confident that the content of a proposed approved training programme meets the necessary standards, and to avoid the likelihood of having the training programme rejected, Skills Jersey can provide guidance.

Better Business Support Package

For 2025 and 2026, the Government is providing support to employers taking on apprentices, with an annual £2,000 grant through the Better Business Support Package, administered by Jersey Business. In addition, a list of apprentice courses which are eligible for the Government of Jersey (CYPES) course Fee Subsidy Scheme, and are part of the approved training programmes, is at Annex 1.

E. <u>Compliance in respect of minimum wage rates</u>

1. The Jersey Employment Law requires employees to be paid at least the minimum wage. The law includes penalties and criminal offences in respect of employers who fail to pay the minimum wage.

2. The relevant provisions of the Employment Law are:

- The requirement to pay employees at or above the minimum wage.
- The requirement for an employer to keep accurate records of minimum wage payments
- The right of an employee to have access to their minimum wage payment record
- The requirement for an employer to provide their employee with a minimum wage statement
- If an employer fails to allow an employee access to their minimum wage record, then a claim may be made by the employee to the Employment Tribunal. If the claim is successful, then the Tribunal may award the employee a sum not exceeding 80 times the hourly rate of the minimum wage then in force

3. Where an employer pays a trainee minimum wage to an employee, the employer must ensure that full records are maintained and available for inspection.

4. The Employment Law also contains provisions relating to the enforcement of an employer's duties under the law. These include:

- The right of an employee to additional pay if the employer pays less than the relevant minimum wage rate
- The power to issue an enforcement notice to the employer, requiring him/her to ensure that any shortfall in the payment of the relevant minimum wage rate is made good
- The power to sue the employer on behalf of the employee for failure to comply with an enforcement notice
- The power to issue a financial penalty notice to an employer for failure to comply with an enforcement notice

Annex 1 – The apprentice courses which qualify as part of approved training programmes

Skills Jersey agree whether a training programme meets the Trainee Minimum Wage 'Approved Training' criteria. They can provide information about the apprentice courses which are part of the approved training programmes.

Current Approved training programmes:

- All Apprenticeship Courses - Highlands College (every course here is considered approved)

In addition, the following courses also meet the criteria for approved training:

- CMI Level 3 Diploma in Principles of Management and Leadership
- L3 National Diploma in Dental Nursing
- SEG ABC Level 2 Certificate Animal Nursing Assistant Online
- Level 3 Diploma Veterinary Nursing Small Animal Practice
- RQF Diploma Level 2 in Health and Social Care (Adults)
- RQF Diploma Level 3 in Health and Social Care (Adults)
- City and Guilds level 2 certificate in Practical Horticulture Skills
- Hairdressing Beginners (Apprenticeship NVQ L2)

Contact Skills Jersey at **skillsjersey@gov.je** if you wish to discuss a training course for approval.

Annex 2 – Content of model written agreement

A written agreement must be included as part of the contract or terms of employment. You must keep a copy of a written training agreement for three years from the end of the training period and be able to produce it on request. As a minimum, the written agreement should state the following:

- *Setting out the purpose or objectives of training in relation to work performance, outcomes and qualifications under the following headings:*

- *The detailed curriculum, structure or schedule of training*
- *The knowledge, skills and competences expected to be learned*
- *How training outcomes will be assessed or validated*
- *How achievements will be documented or recorded*

- *Start date and expected end date of training*

- *Factors that might affect the training end date (e.g. failure to reach the required standard)*

- *Rates of pay during the trainee period*

- *Where training will be undertaken (e.g. in the workplace, college, online)*

- *What training resources will be provided (e.g. equipment and facilities)*

- *What time will be set aside for training (e.g. when training is expected to be undertaken, number of hours' or days' training)*

- *When training will be provided – dates and durations of specific courses and other training activities – for each 12-month period.*

An employer might also include details of the employee's prospects or employer's intentions relating to continued employment after the training is completed and any conditions relating to that (for example, the implications of failure) and any other responsibilities of the employer and the employee.