

GUIDANCE FOR INDENTURES OF APPRENTICESHIP DEED (TRAINING CONTRACT)

EMPLOYMENT OBLIGATIONS AND RIGHTS

The Indentures of Apprenticeship Deed sets out the contractual responsibilities between Master, the trainee solicitor, and the Law Society of Northern Ireland, in relation to the training relationship. It does not stand in the place of an employment contract, nor does it attempt to deal with issues of employment status or any other entitlements and obligations which may arise from the employment of the trainee solicitor. It is not the function of the Law Society to advise in respect of employment status or general employment rights and if you have any such queries you are advised to seek independent legal advice should you have a question or query in this regard.

PAY

The Master covenants to ensure the Trainee Solicitor's salary is never less than the minimum as fixed by the Education Committee of the Law Society.

The Society's minimum salary for trainees starting **on or after 4 September 2023** will be the relevant **UK National Minimum Wage rate for an apprentice**.

As of April 2023

Aged 19 or over and in **their first year**

The current National Minimum Wage rate for an apprentice is £5.28 per hour.

Aged 19 or over and **have completed their first year**

Apprentices will be entitled to the National Minimum Wage or National Living Wage rate for their age.

Current rates

	23 and over	21 to 22
April 2023	£10.42	£10.18

The rates change on 1 April every year.

The Society's Education Committee, whilst recognising that it exceeds the UK National Minimum Wage rate for an apprentice, suggests that a Master gives consideration to paying his or her trainee solicitor the higher National Minimum Wage or National Living Wage rate for their age throughout the two-year traineeship.

In accordance with National Minimum Wage legislation, trainees must be paid at least the NMW for all the time they work. This includes time spent on in-office training and time attending at, or taking exams set by, the Institute of Professional Legal Studies (the "Institute").

STATUTORY PAID HOLIDAY ENTITLEMENT

Under the Working Time Regulations (WTR), Trainee Solicitors are required to receive a minimum of 5.6 weeks (28 days) statutory paid holiday per year which can include public and bank holidays.

Firms should therefore note that two public holidays fall during the Institute term (St Patrick's Day and the Early May Bank Holiday) and the remainder of the paid annual leave to which a Trainee Solicitor is entitled should be granted in accordance with WTR requirements.

If the employer's holiday year runs from 1 January to 31 December each year then the holiday entitlement for an trainee under the WTR will be as follows:

- September to December pro-rata entitlement for 4 months (i.e 9 days holidays);
- January to December full year's entitlement (not pro-rated);
- January to August pro-rata entitlement of 8 months (i.e. 19 days holidays).

If the employer's holiday year runs from the date of commencement of the traineeship from the first Monday in September in any given year up to the 31 August of the second year, the holiday entitlement will be two full years, with no pro-rating.

ABSENCE FROM OFFICE

Under the Indentures you must:

- (i) permit the trainee leave of absence:
 - a. to prepare for and attend examinations at the Institute or elsewhere as may be prescribed, and
 - b. to enable the trainee to attend such courses, lecture, seminars or other instruction as may be prescribed from time to time by the Education Committee.

Otherwise trainees are required to attend at the office on a full-time basis during the course of the in-office training period. If the trainee is absent from the office for any extended period of time this will then affect the Indenture expiry date.

FULL TIME BASIS

The Indentures of Apprenticeship Deed require the trainee to undertake their training on a full time basis. As a guide to what constitutes full-time, the Law Society recommendation is minimum of **35 hours per week**. Working on a part-time basis is possible, although permission should be sought from the Law Society Education Committee as working part-time will affect your Indenture Expiry Date.

EMPLOYMENT CONTRACT

Trainees may be asked to enter into a contract of employment with their Master's firm. Where there is any circumstance where a term of the employment contract conflicts with any term of the Indentures of Apprenticeship, the Indentures of Apprenticeship take precedence.

TRAINING CONTRACT (INDENTURES) EXPIRY DATE

The expiry date of the Indentures is not the qualification date of the trainee solicitor. It simply means that the contract between the Master and the trainee solicitor is at an end. A trainee must apply to be admitted the Roll of Solicitors in order to qualify as a solicitor. An information pack regarding Admission to the Roll will be sent to the trainee in the month prior to end of the contract. Masters will be required to swear an Affidavit stating the trainee has served them as an Apprentice in a proper and satisfactory manner for a full period of two years.

WORKING IN OFFICE WHILE ATTENDING THE VOCATIONAL TRAINING COURSE AT THE INSTITUTE

Although the Law Society does not prohibit this, Masters should be reminded that this should not conflict with the Institute timetable and their obligations under employment legislation.