



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 1

APPRENTICESHIPS, STUDY AND TRAINING

[^{F1}CHAPTER A1

APPRENTICESHIPS [^{F2}AND TECHNICAL EDUCATION]: ENGLAND

Textual Amendments

- F1** Pt. 1 Ch. A1 inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 1 para. 1](#) (with [Sch. 1 para. 28](#)); S.I. 2015/994, art. 6(a) (with [Sch. Pt. 2](#))
- F2** Words in Pt. 1 Ch. A1 heading inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 6](#); S.I. 2019/61, reg. 2(b)

[^{F3}Occupational categories and groups

Textual Amendments

- F3** Ss. ZA9-ZA11 and cross-headings inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 7](#); S.I. 2017/1055, reg. 2(b)(iii) (with [reg. 4](#))

ZA9 Occupational categories (sometimes referred to as “routes”)

- (1) The Secretary of State may determine categories into which occupations may be placed for the purposes of this Chapter.

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- (2) The Secretary of State must notify the Institute of any categories that are determined.

ZA10 Mapping of occupational groups

- (1) The Institute must—
- (a) determine occupations in relation to which it may be appropriate for people to undertake apprenticeships or obtain qualifications, and
 - (b) determine which of those occupations require similar knowledge, skills and behaviour.
- (2) Two or more occupations that require similar knowledge, skills and behaviour are referred to in this section as a “group”.
- (3) Where categories have been determined under section ZA9, the Institute must allocate each occupation or group to a category.
- (4) If the Institute considers that no category is appropriate it must nevertheless allocate the occupation or group to a category (and is not required to adjust its determinations under subsection (1)).
- (5) The Institute must publish information showing—
- (a) the occupations,
 - (b) the groups, and
 - (c) any categories to which the occupations and groups have been allocated.

Standards

ZA11 Standards

- (1) The Institute must publish standards in relation to England for such occupations as the Institute considers appropriate.
- (2) Each standard must—
- (a) describe the occupation to which it relates;
 - (b) set out the outcomes that persons seeking to achieve the standard are expected to attain in order to do so.
- (3) Each standard must have been prepared by a group of persons and approved by the Institute.
- (4) The group of persons that prepared a standard must have been approved by the Institute.
- (5) The Institute may provide advice or assistance to a group of persons in connection with the preparation of a standard.
- (6) The Institute may convene a group of persons to prepare a standard for an occupation only if the Institute considers—
- (a) that there is a need for a standard for that occupation, and
 - (b) that the need will not be met unless a group is convened to prepare the standard.
- (7) The Institute must publish—

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- (a) information about matters that it takes into account when deciding whether or not to approve standards for the purposes of subsection (3);
 - (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (4).
- (8) When making a decision of the kind mentioned in subsection (7)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.
- (9) Information published under subsection (7) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information.
- (10) Where a standard is published, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that there is a standard for the occupation.]

[^{F4}Meaning of “approved English apprenticeship” etc]

Textual Amendments

- F4** S. A1 cross-heading substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 8](#); [S.I. 2017/1055](#), [reg. 2\(b\)\(iii\)](#)

A1 Meaning of “approved English apprenticeship” etc

- (1) This section applies for the purposes of this Chapter.
- (2) An approved English apprenticeship is an arrangement which—
- (a) takes place under an approved English apprenticeship agreement, or
 - (b) is an alternative English apprenticeship,
- and, in either case, satisfies any conditions specified in regulations made by the Secretary of State.
- (3) An approved English apprenticeship agreement is an agreement which—
- (a) provides for a person (“the apprentice”) to work for another person for reward in [^{F5}an occupation for which a] [^{F6}standard has been published under section [^{F7}ZA11]],
 - (b) provides for the apprentice to receive training in order to assist the apprentice to achieve the approved ^{F8}... standard in the work done under the agreement, and
 - (c) satisfies any other conditions specified in regulations made by the Secretary of State.
- (4) An alternative English apprenticeship is an arrangement, under which a person works, which is of a kind described in regulations made by the Secretary of State.
- (5) Regulations under subsection (4) may, for example, describe arrangements which relate to cases where a person—
- (a) works otherwise than for another person;
 - (b) works otherwise than for reward.

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- (6) A person completes an approved English apprenticeship if the person achieves the approved ^{F9}... standard while doing an approved English apprenticeship.
- (7) The “approved ^{F10}... standard”, in relation to an approved English apprenticeship, means the standard which applies in relation to the work to be done under the apprenticeship (see section [^{F11}ZA11]).

Textual Amendments

- F5** Words in s. A1(3)(a) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 9\(a\)\(i\)](#); S.I. 2017/1055, reg. 2(b)(iii)
- F6** Words in s. A1(3)(a) substituted (1.4.2017) by [Enterprise Act 2016 \(c. 12\), s. 44\(5\), Sch. 4 para. 4](#); S.I. 2017/346, reg. 2(a)
- F7** Word in s. A1(3)(a) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 9\(a\)\(ii\)](#); S.I. 2017/1055, reg. 2(b)(iii)
- F8** Word in s. A1(3)(b) omitted (8.11.2017) by virtue of [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 9\(b\)\(i\)](#); S.I. 2017/1055, reg. 2(b)(iii)
- F9** Word in s. A1(6) omitted (8.11.2017) by virtue of [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 9\(b\)\(ii\)](#); S.I. 2017/1055, reg. 2(b)(iii)
- F10** Word in s. A1(7) omitted (8.11.2017) by virtue of [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 9\(b\)\(iii\)](#); S.I. 2017/1055, reg. 2(b)(iii)
- F11** Word in s. A1(7) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 9\(c\)](#); S.I. 2017/1055, reg. 2(b)(iii)

[^{F12}^{F13}Apprenticeship assessment plans]

Textual Amendments

- F12** Ss. A2-A2I and cross-headings substituted for s. A2 (1.4.2017) by [Enterprise Act 2016 \(c. 12\), s. 44\(5\), Sch. 4 para. 5](#); S.I. 2017/346, reg. 2(a)
- F13** S. A2 cross-heading substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 10](#); S.I. 2017/1055, reg. 2(b)(iii)

A2 [^{F14}Apprenticeship assessment plans]

[^{F15}(1) The Institute must publish apprenticeship assessment plans in respect of such standards published under section ZA11 as it considers appropriate.]

^{F16}(2)

^{F16}(3)

(4) An [^{F17}apprenticeship] assessment plan in respect of a standard is a plan in accordance with which [^{F18}it is to be assessed whether a person seeking to complete an approved English apprenticeship has attained the outcomes set out in the standard].

(5) Each [^{F19}apprenticeship] assessment plan must—

- (a) specify the standard to which it relates, and
- (b) set out the proposed arrangements for evaluating the quality of any assessment provided for by the plan.

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- [^{F20}(6) Each apprenticeship assessment plan must have been prepared by a group of persons and approved by the Institute.
- (7) The group of persons that prepared an apprenticeship assessment plan must have been approved by the Institute.
- (8) The Institute may provide advice or assistance to a group of persons in connection with the preparation of an apprenticeship assessment plan.
- (9) The Institute may convene a group of persons to prepare an apprenticeship assessment plan in respect of a standard only if the Institute considers—
- (a) that there is a need for an apprenticeship assessment plan in respect of that standard, and
- (b) that the need will not be met unless a group is convened to prepare the plan.
- (10) The Institute must publish—
- (a) information about matters that it takes into account when deciding whether or not to approve apprenticeship assessment plans for the purposes of subsection (6);
- (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (7).
- (11) When making a decision of the kind mentioned in subsection (10)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.
- (12) Information published under subsection (10) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information.
- (13) Where an apprenticeship assessment plan is published, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that there is an apprenticeship assessment plan in respect of the standard for the occupation.]

Textual Amendments

- F14** S. A2 heading substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(2\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F15** S. A2(1) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(3\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F16** S. A2(2)(3) omitted (8.11.2017) by virtue of [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(4\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F17** Word in s. A2(4) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(5\)\(a\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F18** Words in s. A2(4) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(5\)\(b\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F19** Word in s. A2(5) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(6\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F20** Ss. A2(6)-(13) substituted for s. A2(6) (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 11\(7\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)

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^{F21}A2A Preparation of apprenticeship standards and assessment plans

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Textual Amendments

F21 S. A2A omitted (8.11.2017) by virtue of [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 12](#); S.I. 2017/1055, reg. 2(b)(iii)

Quality assurance [^{F22}of apprenticeship assessments etc]

Textual Amendments

F22 Words in s. A2B cross-heading inserted (16.8.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 13](#); S.I. 2017/844, reg. 2(b)(ii)

A2B Evaluation of quality of apprenticeship assessments

- (1) The [^{F23}Institute] must secure that evaluations are carried out of the quality of apprenticeship assessments provided by persons in relation to assessment plans published under section A2.
- (2) “Apprenticeship assessment” means the assessment of a person's attainment of the outcomes set out in the standard to which the [^{F24}apprenticeship] assessment plan relates.
- (3) For the purposes of subsection (1) the [^{F23}Institute] may [^{F25}carry out evaluations or] approve or make arrangements for other persons to carry out evaluations.
- [^{F26}(4) The Secretary of State may by regulations authorise the Institute (subject to any restrictions prescribed by the regulations) to charge fees for things done in connection with the carrying out by it of evaluations under subsection (1).]

Textual Amendments

- F23** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 1\(2\)\(d\)](#), 47(2); S.I. 2019/61, reg. 2(a)
- F24** Word in s. A2B(2) inserted (16.8.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 14\(2\)](#); S.I. 2017/844, reg. 2(b)(ii)
- F25** Words in s. A2B(3) inserted (16.8.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 14\(3\)](#); S.I. 2017/844, reg. 2(b)(ii)
- F26** S. A2B(4) inserted (16.8.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 14\(4\)](#); S.I. 2017/844, reg. 2(b)(ii) (with reg. 3)

A2C Unsatisfactory apprenticeship assessments

- (1) If the [^{F23}Institute] considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, it may carry out a review of the assessment, or make arrangements with another person for the carrying out of such a review.

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- (2) The [F23Institute] may, in consequence of a review, make arrangements for the purpose of improving the quality of the assessment to which the review relates.
- (3) If the [F23Institute]—
 - (a) considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, or
 - (b) that a person who provides an apprenticeship assessment has failed to cooperate with a review carried out under this section or with arrangements made under subsection (2),it may report the matter to the Secretary of State or such other person as the [F23Institute] considers appropriate.
- (4) A report under subsection (3) may contain recommendations as to the action to be taken by the person to whom the report is made.
- (5) The [F23Institute] may publish a report under subsection (3).

Textual Amendments

F23 Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\)](#); S.I. 2019/61, reg. 2(a)

A2D Committee to advise on quality evaluations etc

- (1) The [F23Institute] may establish a committee with—
 - (a) the function of giving the [F23Institute] advice on the performance of its functions under sections A2B and A2C, and
 - (b) such other functions as may be conferred on the committee by the [F23Institute].
- (2) A majority of the members of the committee—
 - (a) must be persons who appear to the [F23Institute] to have experience of the assessment of education or training, and
 - (b) must not be members of the [F23Institute].
- (3) Subject to that, Schedule A1 applies to a committee established under this section as it applies to committees established under paragraph 7 of that Schedule.

Textual Amendments

F23 Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\)](#); S.I. 2019/61, reg. 2(a)

[F27Technical education qualifications

Textual Amendments

F27 Ss. A2DA-A2DC and cross-heading inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 15](#); S.I. 2019/61, reg. 2(b)

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^{F28} A2D1 Approval of technical education qualifications: overview

- (1) Sections A2D3 and A2D5 provide for the approval of technical education qualifications.
- (2) Section A2D3 provides for the approval of technical education qualifications which (in conjunction with any approved steps towards occupational competence determined under section A2D4) can lead to the award of technical education certificates under section A3A.
- (3) Section A2D5 provides for the approval of other technical education qualifications.
- (4) For further provision about approval of technical education qualifications see, in particular—
 - (a) section A2D2 (provision about the categories of technical education qualification that may be approved under section A2D3 or A2D5),
 - (b) sections A2D6 to A2D11 (further provision about approval and withdrawal of approval),
 - (c) section A2HA (list of technical education qualifications), and
 - (d) section A2IA (transfer of copyright relating to technical education qualifications approved under section A2D3).

Textual Amendments

F28 Ss. A2D1, A2D2 inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 7(2), 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

A2D2 Categories of technical education qualification

- (1) The Institute—
 - (a) may specify one or more categories of technical education qualification in relation to England that may be approved under section A2D3, and
 - (b) may specify one or more categories of technical education qualification in relation to England that may be approved under section A2D5.
- (2) The Institute may specify a category under subsection (1)(b) only if it considers that it would not be appropriate for qualifications in the category to be approved under section A2D3.
- (3) For any category specified under subsection (1)(b), the Institute must specify which of the following is the appropriate test for the purposes of section A2D5—
 - (a) the alternative approval test (see section A2D5(3));
 - (b) the additional specialist competence test (see section A2D5(4));
 - (c) the significant outcomes test (see section A2D5(5)).
- (4) The Institute may revise or withdraw any category specified under subsection (1).
- (5) A technical education qualification does not cease to be approved merely because the category is revised or withdrawn under subsection (4).
- (6) The Institute must publish information showing—
 - (a) the categories of technical education qualification that are for the time being specified under subsection (1), and

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- (b) for each category, whether qualifications in the category may be approved under section A2D3 or A2D5 and, if under section A2D5, the appropriate test.
- (7) Before specifying a category of qualification under this section, the Institute must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as the Institute considers appropriate.]

Textual Amendments

F28 Ss. A2D1, A2D2 inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 7(2), 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

[^{F29} **Technical education certificate: approval of technical education**
^{F30} **A2D3] qualifications]**

- (1) The Institute may, if it considers it appropriate, approve a technical education qualification [^{F31} under this section] in respect of one or more occupations for which standards are published under section ZA11.
- ^{F32}(2)
- (3) The Institute may approve a technical education qualification under this section only if satisfied that
 - [^{F33}(a) the qualification falls within a category specified under section A2D2(1)(a), and
 - (b)] by obtaining the qualification a person demonstrates that he or she has attained as many of the outcomes set out in the standards as may reasonably be expected to be attained by undertaking a course of education.
- (4) The Institute may approve a technical education qualification under this section only where the Institute—
 - (a) has determined the documents relating to the qualification to which it considers section A2IA should apply (if any), and
 - (b) is satisfied that each person (other than the Institute) who it thinks is entitled to a right or interest in any copyright in those documents agrees to the right or interest being transferred to the Institute (see section A2IA).
- (5) If the Institute fails to comply with subsection (4)(b) then, unless it does so in the knowledge that a person does not agree as mentioned in that provision—
 - (a) the failure does not invalidate the approval of the qualification, but
 - (b) the Institute must pay such compensation (if any) as may be appropriate to any person whose right or interest is transferred to the Institute without the person's agreement.
- (6) In making a determination under subsection (4)(a), the Institute may take into account the likelihood of any person agreeing as mentioned in subsection (4)(b).
- (7) The Institute may revise its determination under subsection (4)(a) before approving the qualification.
- ^{F34}(8)

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- F³⁴(9)
- F³⁴(10)
- F³⁴(11)
- F³⁴(12)
- F³⁴(13)

Textual Amendments

- F29** S. A2D3 heading substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **12(3)(d)**, 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
- F30** S. A2DA renumbered as s. A2D3 (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **13(2)**, 36(3) (with s. 13(8)); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)
- F31** Words in s. A2D3(1) inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **12(3)(a)**, 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
- F32** S. A2D3(2) omitted (30.9.2022) by virtue of Skills and Post-16 Education Act 2022 (c. 21), ss. **12(3)(b)**, 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
- F33** Words in s. A2D3(3) inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **7(3)**, 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)
- F34** Ss. A2D3(8)-(13) omitted (30.9.2022) by virtue of Skills and Post-16 Education Act 2022 (c. 21), ss. **12(3)(c)**, 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)

^{F35} **A2D4** Additional steps towards occupational competence

- (1) Where there is [^{F36}a] technical education qualification [^{F37}that is approved under section A2D3] in respect of one or more occupations, the Institute may from time to time determine other steps that it considers it would be appropriate for a person to take in order to progress towards being a person who is competent to work in those occupations.
- (2) Steps determined under this section may include the obtaining of other qualifications.
- (3) The Institute may make a further determination under this section.
- (4) The Institute must publish a statement of any steps it determines under this section.
- (5) In this Chapter steps that the Institute determines under this section are referred to as “approved steps towards occupational competence”.

Textual Amendments

- F35** S. A2DB renumbered as s. A2D4 (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **13(2)**, 36(3) (with s. 13(8)); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)
- F36** Word in s. A2D4(1) substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **7(5)(a)**, 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)
- F37** Words in s. A2D4(1) inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. **7(5)(b)**, 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

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[^{F38}A2D5] Further powers to approve technical education qualifications

- (1) The Institute may, if it considers it appropriate, approve a technical education qualification under this section in respect of one or more published occupations (each a “related” occupation).
- (2) But it may approve a qualification under this section only if—
 - (a) the Institute is satisfied that the qualification falls within a category specified under section [A2D2\(1\)\(b\)](#),
 - (b) the qualification meets each of the following tests in respect of the related occupation or occupations—
 - (i) the appropriate test specified for the category under section [A2D2\(3\)](#), and
 - (ii) the employer demand test (see subsection [\(6\)](#)), and
 - (c) the Institute is not prevented from approving the qualification by virtue of a moratorium under section [A2D9](#).
- (3) The alternative approval test is met in respect of an occupation if—
 - (a) a standard is published under section [ZA11](#) for the occupation, and
 - (b) the Institute is satisfied that by obtaining the qualification a person demonstrates attainment of as many of the outcomes set out in the standard as may reasonably be expected to be attained by undertaking a course of education.
- (4) The additional specialist competence test is met in respect of an occupation if—
 - (a) a standard is published under section [ZA11](#) for the occupation, and
 - (b) the Institute is satisfied that—
 - (i) by obtaining the qualification, a person demonstrates attainment of particular outcomes which are additional to those set out in the standard, and
 - (ii) attaining all those outcomes (together with attainment of the outcomes set out in the standard) would enable a person to specialise within the occupation.
- (5) The significant outcomes test is met in respect of one or more occupations if—
 - (a) the Institute is satisfied that—
 - (i) by obtaining the qualification a person demonstrates attainment of particular outcomes in relation to the occupations, and
 - (ii) attaining those outcomes would enable a person to work in the occupations at a particular level of competence (whether in the course of training or otherwise) or to improve competence in the occupations, and
 - (b) where standards are published under section [ZA11](#) for any of the occupations, the outcomes are set out in the standards (whether or not all in the same standard).
- (6) The employer demand test is met in respect of one or more occupations if the Institute is satisfied that there is, or is likely to be, demand from employers in the occupations for employees who have obtained the particular qualification.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, CHAPTER A1 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F38 Ss. A2D5-A2D9 inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 7(4), 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

A2D6 Approved technical education qualifications: approval and withdrawal

- (1) The Institute may make any arrangements that it considers appropriate—
 - (a) to secure that suitable technical education qualifications are available for approval under section A2D3 or A2D5, or
 - (b) in connection with the approval, or continued approval, of a technical education qualification under either of those sections.
- (2) The Institute may withdraw approval of a technical education qualification.
- (3) The Institute is not required to withdraw approval of a technical education qualification in a specified category merely because—
 - (a) the qualification is modified, or
 - (b) the category is revised or withdrawn under section A2D2(4).
- (4) The Institute must publish information about matters that it takes into account when deciding whether or not—
 - (a) to approve a qualification under section A2D3 or A2D5, or
 - (b) to withdraw approval of it.
- (5) The matters may differ for different purposes and may, in particular, be different for—
 - (a) qualifications in different categories specified under section A2D2, or
 - (b) qualifications relating to different occupations.
- (6) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the Institute may also take into account such other matters as it considers appropriate in the case in question.
- (7) Information published under subsection (4) may be revised or replaced, and the Institute must publish under that subsection any revised or replacement information.

Textual Amendments

F38 Ss. A2D5-A2D9 inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 7(4), 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

A2D7 Approved technical education qualifications: publication and fees

- (1) Where a technical education qualification is approved in respect of an occupation, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating—
 - (a) that a technical education qualification has been approved in respect of it, and
 - (b) whether the qualification (in conjunction with any steps approved under section A2D4) could lead to a technical education certificate.

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- (2) If approval of the technical education qualification is withdrawn, the Institute must publish, with the information published under section ZA10(5) in relation to the occupation, information indicating that the approval of the qualification has been withdrawn.
- (3) The Secretary of State may by regulations authorise the Institute (subject to any restrictions prescribed by the regulations) to charge fees for things done in connection with approval, or continued approval, of qualifications under section A2D5.

Textual Amendments

F38 Ss. A2D5-A2D9 inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 7(4), 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

A2D8 Reviews of approval of technical education qualifications

- (1) The Institute must maintain arrangements for reviewing approved technical education qualifications at regular intervals with a view to determining, for each qualification, whether—
 - (a) it should continue to be approved,
 - (b) it should be revised, or
 - (c) approval should be withdrawn.
- (2) The Institute must publish information about the intervals at which those reviews are to be conducted.

Textual Amendments

F38 Ss. A2D5-A2D9 inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 7(4), 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

A2D9 Moratorium on further approvals under section A2D5

- (1) This section applies where the Institute determines that there is an appropriate number of approved technical education qualifications of a particular kind.
- (2) The Institute may decide that it should not approve further technical education qualifications of that kind under section A2D5 for a period (a “moratorium”).
- (3) Where the Institute decides that there should be a moratorium in relation to technical education qualifications of a particular kind, it—
 - (a) must publish that decision, and
 - (b) during the moratorium, may not approve any further technical education qualification of that kind under section A2D5.
- (4) A moratorium ends when the Institute decides to end it.
- (5) Where the Institute decides to end a moratorium, it must publish that decision.
- (6) The Institute must consult the Secretary of State before—

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- (a) deciding whether there should be a moratorium in relation to qualifications of a particular kind;
- (b) deciding to end a moratorium.]

Textual Amendments

F38 Ss. A2D5-A2D9 inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 7(4)**, 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

Directions

[^{F39}A2D10]

The Secretary of State may give the Institute a direction in connection with the exercise by the Institute of any function under or for the purposes of [^{F40}sections A2D2 to A2D9 or A2IB].]

Textual Amendments

F39 S. A2DC renumbered as s. A2D10 (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 13(2)**, 36(3) (with s. 13(8)); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)

F40 Words in s. A2D10 substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 12(4)**, 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)

[^{F41}A2D10] **Co-operation between the Institute and Ofqual**

- (1) The Institute and Ofqual must co-operate with one another in the exercise of—
 - (a) their respective functions relating to technical education qualifications, and
 - (b) any other functions of theirs where the exercise is relevant to functions mentioned in paragraph (a).
- (2) Each of the Institute and Ofqual—
 - (a) may provide advice and assistance to the other in relation to the exercise by the other of any function within subsection (1), and
 - (b) must, in exercising any function within subsection (1), have regard to any advice or information provided to it by the other, so far as relevant to the exercise of that function.]

Textual Amendments

F41 S. A2D11 inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 9**, 36(3); S.I. 2022/965, reg. 3(4) (with regs. 4, 5)

[^{F42}Other provision relating to approved English apprenticeships and technical education]

Textual Amendments

F42 S. A2E cross-heading substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), **Sch. 1 para. 16**; S.I. 2019/61, reg. 2(b)

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, CHAPTER A1 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

A2E Regular reviews of published standards and assessment plans

- (1) The [^{F23}Institute] must maintain arrangements for the review at regular intervals of each standard or [^{F43}apprenticeship] assessment plan published under this Chapter, with a view to determining whether the standard or plan ought to be revised or withdrawn.
- (2) In respect of each standard or [^{F44}apprenticeship] assessment plan published under this Chapter, the [^{F23}Institute] must publish information about the intervals at which those reviews are to be conducted.

Textual Amendments

- F23** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F43** Word in s. A2E(1) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 17; S.I. 2017/1055, reg. 2\(b\)\(iii\)](#)
- F44** Word in s. A2E(2) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 17; S.I. 2017/1055, reg. 2\(b\)\(iii\)](#)

A2F Revision or withdrawal of published standards and assessment plans

- (1) The [^{F23}Institute] may—
 - (a) publish a revised version of a standard or [^{F45}apprenticeship] assessment plan published under this Chapter, or
 - (b) withdraw a standard or [^{F46}apprenticeship] assessment plan published under this Chapter (with or without publishing another in its place).
- [^{F47}(2) Subsections (3) to (9) of section ZA11 apply in relation to a revised version of a standard published under this section as they do in relation to a standard published under that section.
- (3) Subsections (6) to (12) of section A2 apply in relation to a revised version of an apprenticeship assessment plan published under this section as they do in relation to an apprenticeship assessment plan published under that section.]

Textual Amendments

- F23** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)
- F45** Word in s. A2F(1)(a) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 18\(2\); S.I. 2017/1055, reg. 2\(b\)\(iii\)](#)
- F46** Word in s. A2F(1)(b) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 18\(2\); S.I. 2017/1055, reg. 2\(b\)\(iii\)](#)
- F47** S. A2F(2)(3) substituted for s. A2F(2) (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 18\(3\); S.I. 2017/1055, reg. 2\(b\)\(iii\)](#)

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, CHAPTER A1 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F48

Textual Amendments

F48 S. A2G cross-heading omitted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 19](#); S.I. 2017/1055, [reg. 2\(b\)\(iii\)](#)

A2G Examinations by independent third parties

- (1) Before the [^{F23}Institute] approves a standard or [^{F49}apprenticeship] assessment plan for the purposes of section [^{F50}ZA11(3) or section A2(6)] it must make arrangements for the carrying out of an examination of the standard or [^{F49}apprenticeship] plan by an independent third party.
- (2) The duty imposed by subsection (1) does not apply in relation to a revised version of a standard or [^{F49}apprenticeship] assessment plan, but the [^{F23}Institute] may, for the purposes of a review under section A2E or at any other time, make arrangements for the carrying out of an examination of a standard or [^{F49}apprenticeship] assessment plan by an independent third party.
- (3) Where an examination of a standard or [^{F49}apprenticeship] assessment plan is carried out under this section, the [^{F23}Institute] must take account of the finding of the examination in exercising its functions in relation to the standard or [^{F49}apprenticeship] plan under this Chapter.
- (4) Nothing in subsection (1) prevents the [^{F23}Institute] deciding to reject a standard or [^{F49}apprenticeship] assessment plan without first making arrangements for the carrying out of an examination by an independent third party.

Textual Amendments

- F23** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 1\(2\)\(d\)](#), 47(2); S.I. 2019/61, [reg. 2\(a\)](#)
- F49** Words in s. A2G inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 20\(a\)](#); S.I. 2017/1055, [reg. 2\(b\)\(iii\)](#)
- F50** Words in s. A2G(1) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 20\(b\)](#); S.I. 2017/1055, [reg. 2\(b\)\(iii\)](#)

A2H List of published standards and assessment plans

- (1) The [^{F23}Institute] must maintain a list of the standards and assessment plans published by it under this Chapter.
- (2) In respect of each standard and plan listed (including any revised version), the list must include details of when it comes into force.
- (3) Where a revised version is listed, the list must include a general description of the cases to which the revised version applies.
- (4) Where a standard or plan has been withdrawn, the list must include details of when the withdrawal comes into force and a general description of the cases to which it applies.

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- (5) The [F23Institute] must secure that the list is available free of charge at all reasonable times.

Textual Amendments

F23 Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\); S.I. 2019/61, reg. 2\(a\)](#)

[F51A2HA] **List of technical education qualifications**

- (1) The Institute must maintain a list of approved technical education qualifications.

[For each qualification, the list must indicate whether (in conjunction with any steps F52(1A) determined under section A2D4) it could lead to the issue of a technical education certificate.]

- (2) The list must include information for the purpose of enabling people to refer, in relation to each qualification, to—

- (a) [F53any standards] published under section ZA11 for the occupations in respect of which the qualification is approved, and
(b) any statement of steps published under section [F54A2D4] in relation to those occupations.

- (3) The Institute must ensure that the list is available free of charge.]

Textual Amendments

F51 S. A2HA inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 21; S.I. 2019/61, reg. 2\(b\)](#)

F52 S. A2HA(1A) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 12\(5\)\(a\), 36\(3\); S.I. 2022/965, reg. 3\(7\) \(with regs. 4, 5\)](#)

F53 Words in s. A2HA(2)(a) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 12\(5\)\(b\), 36\(3\); S.I. 2022/965, reg. 3\(7\) \(with regs. 4, 5\)](#)

F54 Word in s. A2HA(2)(b) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 13\(3\), 36\(3\); S.I. 2022/965, reg. 3\(8\) \(with regs. 4, 5\)](#)

A2I Transfer of copyright in standards and assessment plans

- (1) This section applies where—

[F55(a) a standard is approved by the Institute under section ZA11 or an apprenticeship assessment plan is approved by the Institute under section A2, and]

(b) a person (other than the [F23Institute]) is entitled, immediately before [the time the approval is given, to any right or interest in any copyright in the standard or plan.

- (2) The right or interest is, by virtue of this section, transferred from that person to the [F23Institute] at the time the approval is given.

- (3) The [F23Institute] must ensure that a standard or [F56apprenticeship] assessment plan in relation to which a right or interest has transferred by virtue of subsection (2) is

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made available to the public, subject to any conditions that the [F23Institute] considers appropriate.]

Textual Amendments

- F23** Word in Pt. 1 substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), ss. 1\(2\)\(d\), 47\(2\)](#); S.I. 2019/61, reg. 2(a)
- F55** S. A2I(1)(a) substituted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 22\(2\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)
- F56** Word in s. A2I(3) inserted (8.11.2017) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 22\(3\)](#); S.I. 2017/1055, reg. 2(b)(iii) (with reg. 4)

[F57 A21A] **Transfer of copyright relating to technical education qualifications**

- (1) This section applies where a technical education qualification is approved under section [F58 A2D3].
- (2) The right or interest in any copyright in a relevant course document is, by virtue of this section, transferred from the person to the Institute at the time the approval is given.
- (3) The Institute may assign to another person, or grant a licence to another person in respect of, any right or interest transferred to the Institute by virtue of this section.
- (4) In this section “relevant course document” means a document in relation to which the Institute has made a determination under section [F59 A2D3(4)(a)].]

Textual Amendments

- F57** S. A21A inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 23](#); S.I. 2019/61, reg. 2(b)
- F58** Word in s. A21A(1) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 13\(4\)\(a\), 36\(3\)](#); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)
- F59** Word in s. A21A(4) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 13\(4\)\(b\), 36\(3\)](#); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)

[F60 A21B] **Availability of approved technical education qualifications outside England**

The Institute may provide advice and assistance, or take other steps that it considers appropriate, for the purpose of enabling approved technical education qualifications to be made available to be obtained by persons outside England.]

Textual Amendments

- F60** S. A21B inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 8, 36\(3\)](#); S.I. 2022/965, reg. 3(3) (with regs. 4, 5)

A3 **Power to issue apprenticeship certificate**

- (1) The Secretary of State may issue a certificate (“an apprenticeship certificate”) [F61: in respect of] a person who applies for it if it appears to the Secretary of State that the person has completed an approved English apprenticeship.

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- (2) The Secretary of State may by regulations make provision about—
- (a) the manner in which applications under subsection (1) must be made;
 - [^{F62}(b) the supply by the Secretary of State of apprenticeship certificates issued under that subsection, and copies of those certificates, to—
 - (i) persons in respect of whom they were issued;
 - (ii) persons for whom those persons work or have worked under approved English apprenticeship agreements to which the certificates relate.]
- (3) The Secretary of State may charge a fee for issuing an apprenticeship certificate or supplying a copy only if, and to the extent that, the charging of the fee is authorised by regulations.

Textual Amendments

- F61** Words in s. A3(1) substituted (1.4.2017) by [Enterprise Act 2016 \(c. 12\), s. 44\(5\), Sch. 4 para. 6\(2\)](#); [S.I. 2017/346, reg. 2\(a\)](#)
- F62** S. A3(2)(b) substituted (1.4.2017) by [Enterprise Act 2016 \(c. 12\), s. 44\(5\), Sch. 4 para. 6\(3\)](#); [S.I. 2017/346, reg. 2\(a\)](#)

[^{F63}A3A] Power to issue technical education certificate

- (1) The Secretary of State may issue a certificate (a “technical education certificate”) to a person if it appears to the Secretary of State that the person has—
- (a) obtained [^{F64}a] technical education qualification [^{F65}approved under section A2D3], and
 - (b) taken any other steps determined under section [^{F66}A2D4] in relation to the occupations in respect of which the qualification is approved.
- (2) The Secretary of State may by regulations make provision—
- (a) requiring an application to be made in a prescribed manner before a certificate is issued;
 - (b) about the supply by the Secretary of State of copies of technical education certificates to persons to whom they were issued;
 - (c) authorising the Secretary of State (subject to any restrictions prescribed by the regulations) to charge a fee for issuing a technical education certificate or supplying a copy.]

Textual Amendments

- F63** S. A3A inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 24](#); [S.I. 2019/61, reg. 2\(b\)](#)
- F64** Word in s. A3A(1)(a) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 7\(6\)\(a\), 36\(3\)](#); [S.I. 2022/965, reg. 3\(2\)](#) (with regs. 4, 5)
- F65** Words in s. A3A(1)(a) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 7\(6\)\(b\), 36\(3\)](#); [S.I. 2022/965, reg. 3\(2\)](#) (with regs. 4, 5)
- F66** Word in s. A3A(1)(b) substituted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\), ss. 13\(5\), 36\(3\)](#); [S.I. 2022/965, reg. 3\(8\)](#) (with regs. 4, 5)

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A4 Delegation

- (1) Any function of the Secretary of State under this Chapter may be carried out by a person designated by the Secretary of State.
- (2) Subsection (1) does not apply to any power of the Secretary of State to make regulations.
- (3) A person designated under this section must—
 - (a) comply with directions given by the Secretary of State, and
 - (b) have regard to guidance given by the Secretary of State.
- (4) A designation under this section may be revoked.

A5 English apprenticeship agreements: status

- (1) To the extent that it would otherwise be treated as being a contract of apprenticeship, an approved English apprenticeship agreement is to be treated as not being a contract of apprenticeship.
- (2) To the extent that it would not otherwise be treated as being a contract of service, an approved English apprenticeship agreement is to be treated as being a contract of service.
- (3) This section applies for the purposes of any enactment or rule of law.

A6 English apprenticeship agreements: supplementary provision

- (1) If an agreement—
 - (a) contains provision which satisfies the conditions mentioned in section A1(3)(a) to (c), but
 - (b) also contains other provision which is inconsistent with those conditions, the other provision is to be treated as having no effect.
- (2) Before an agreement which satisfies the conditions mentioned in section A1(3)(a) to (c) is varied in such a way that it no longer satisfies one or more of those conditions, the person for whom the apprentice is working must give the apprentice a written notice.
- (3) The written notice must explain that, if the variation takes effect, the agreement will cease to be an approved English apprenticeship agreement.
- (4) If an agreement is varied in breach of the requirement under subsection (2), the variation has no effect.

A7 Crown servants and parliamentary staff

- (1) Section A1(3) applies in relation to—
 - (a) an agreement under which a person undertakes Crown employment,
 - (b) an agreement under which a person undertakes service as a member of the naval, military or air forces of the Crown, and
 - (c) an agreement under which a person undertakes employment as—
 - (i) a relevant member of the House of Lords staff, or
 - (ii) a relevant member of the House of Commons staff,

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as it applies in relation to any other agreement under which a person is to work for another (and this Chapter applies accordingly).

- (2) Subsection (1) is subject to subsection (3) and to any modifications which may be prescribed under subsection (5).
- (3) Section A5(2) does not apply in relation to an approved English apprenticeship agreement that is an agreement within paragraph (a), (b) or (c) of subsection (1).
- (4) Without prejudice to section 262(3), the power conferred by section A1(3)(c) may be exercised, in particular, to make provision in relation to an agreement within any of paragraphs (a), (b) and (c) of subsection (1) that differs from provision made in relation to other agreements under which a person is to work for another.
- (5) The Secretary of State may by regulations provide for any provision of this Chapter to apply with modifications in relation to—
 - (a) an agreement within paragraph (a), (b) or (c) of subsection (1), or
 - (b) a person working, or proposing to work, under such an agreement.

- (6) In subsection (1)—

“Crown employment” means employment under or for the purposes of a government department or an officer or body exercising on behalf of the Crown functions conferred by a statutory provision (but does not include service as a member of the naval, military or air forces of the Crown);

“relevant member of the House of Commons staff” has the meaning given by section 195(5) of the Employment Rights Act 1996;

“relevant member of the House of Lords staff” has the meaning given by section 194(6) of that Act.]

^{F67}A8 Progress reports

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Textual Amendments

F67 S. A8 repealed (31.3.2021) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 2(3), 36(2)(b)**

[^{F68}A9 Public sector apprenticeship targets

- (1) The Secretary of State may by regulations set apprenticeship targets for prescribed public bodies.
- (2) An “apprenticeship target”, in relation to a public body, is a target relating to the number of persons (“apprentices”) who work for the body under an apprenticeship agreement.
- (3) Public bodies for which apprenticeship targets are set under this section must have regard to—
 - (a) the targets, and
 - (b) any applicable guidance issued by the Secretary of State in relation to the targets.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, CHAPTER A1 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The Secretary of State may require a public body to provide any information that the Secretary of State needs for the purpose of exercising functions under this section.
- (5) Regulations under this section may set apprenticeship targets for—
- (a) a prescribed public body,
 - (b) a prescribed part of a public body,
 - (c) a prescribed group of public bodies, or
 - (d) public bodies of a prescribed description.

A reference in this section to a public body includes a reference to a prescribed part of a public body or a prescribed group of public bodies.

- (6) The regulations must specify the period to which each apprenticeship target relates.
- (7) In this section—
- “apprenticeship agreement” means—
- (a) an approved English apprenticeship agreement;
 - (b) an apprenticeship agreement within the meaning given in section 32 as it applies in relation to England by virtue of provision made under section 115(9) of the Deregulation Act 2015;
- “public body” means—
- (a) a public authority, or
 - (b) a body or other person that is not a public authority but has functions of a public nature and is funded wholly or partly from public funds.]

Textual Amendments

F68 Ss. A9, A10 inserted (4.7.2016) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 24(1)**, 44(2)(c)

[^{F68}A10 Further provision about apprenticeship targets

- (1) A public body for which an apprenticeship target is set must—
- (a) publish and send to the Secretary of State the information specified in subsection (2), and
 - (b) send to the Secretary of State any other prescribed information,
- within six months after the end of each reporting period of the body in the target period.
- (2) The information referred to in subsection (1)(a) is—
- (a) the number of employees whose employment in England by the body began in the reporting period in question (“figure A”);
 - (b) the number of apprentices who began to work for the body in that period and whose apprenticeship agreements also began in that period (“figure B”);
 - (c) figure B expressed as a percentage of figure A;
 - (d) the number of employees employed in England that the body has at the end of that period (“figure C”);
 - (e) the number of apprentices who work for the body at the end of that period (“figure D”);
 - (f) figure D expressed as a percentage of figure C;

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- (g) if that reporting period is the first reporting period in the target period, the number of apprentices who worked for the body immediately before that period.
- (3) The information that may be prescribed under subsection (1)(b) includes—
- (a) information about action that the body has taken to meet an apprenticeship target set for it;
 - (b) if the public body has failed to meet an apprenticeship target set for it, an explanation of why the target has not been met;
 - (c) information about action that the body proposes to take to meet an apprenticeship target set for the body for a period that has not yet expired (“a future target”);
 - (d) if the body considers that a future target is not likely to be met, an explanation of why that is so.
- (4) Regulations may specify how the information is to be published or sent.
- (5) A body’s “reporting periods” in the target period are—
- (a) so much of the first financial year of the body to end in the target period as falls within that period,
 - (b) each subsequent financial year of the body which falls wholly within the target period, and
 - (c) if the target period ends during a financial year of the body, so much of that financial year as falls within that period.
- (6) But, where the target period in relation to a body does not exceed 12 months, the Secretary of State may direct in writing that for the purposes of this section the body is to be treated as having one reporting period which coincides with the target period.
- (7) Where, by virtue of section A9(5)(c) or (d) a target is set for more than one public body, regulations may specify which body’s financial year is to be used to determine the reporting periods under subsection (5).
- (8) In this section—
- “apprenticeship agreement” has the meaning given by section A9(7);
 - “apprenticeship target” has the meaning given by section A9(2);
 - “public body” has the meaning given by section A9(7);
 - “target period”, in relation to an apprenticeship target, means the period specified under section A9(6) as the period to which the target relates.

Textual Amendments

F68 Ss. A9, A10 inserted (4.7.2016) by [Enterprise Act 2016 \(c. 12\)](#), ss. 24(1), 44(2)(c)

Only statutory apprenticeships to be described as apprenticeships

- ^{F69}**A11**
- (1) A person (“P”) providing or offering any course or training that is, or is to be, undertaken (wholly or partly) in England commits an offence if—
- (a) in the course of business P describes the course or training as an apprenticeship, and
 - (b) the course or training is not a statutory apprenticeship.

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- (2) No offence is committed under subsection (1) where the course or training is, or is to be, provided to an individual under or in pursuance of a contract of employment between the individual and P.
- (3) In subsection (1) “statutory apprenticeship” means any course or training that is, or is to be, provided under—
- (a) an approved English apprenticeship;
 - (b) an apprenticeship agreement within the meaning given in section 32;
 - (c) an arrangement to undertake any other kind of working—
 - (i) in relation to which alternative English completion conditions apply under section 1(5), and
 - (ii) in connection with which training is to be provided in accordance with an apprenticeship framework within the meaning given in section 12; or
 - (d) arrangements made under—
 - (i) section 2 of the Employment and Training Act 1973,
 - (ii) section 17B(1)(a) of the Jobseekers Act 1995,
 - (iii) section 2(3) of the Enterprise and New Towns (Scotland) Act 1990, or
 - (iv) section 1 of the Employment and Training Act (Northern Ireland) 1950,
 that are identified by the person making the arrangements as arrangements for the provision of apprenticeships.
- (4) The reference to section 32 in subsection (3)(b) includes a reference to that section as it applies in relation to England by virtue of provision made under section 115(9) of the Deregulation Act 2015; and a reference to a section in subsection (3)(c) is a reference to the section as it so applies.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (6) Where an offence under this section committed by a body corporate—
- (a) is committed with the consent or connivance of an officer of the body corporate, or
 - (b) is attributable to neglect on the part of an officer of the body corporate,
- the officer also commits the offence and is liable to be proceeded against and punished accordingly.
- (7) Every local weights and measures authority in England—
- (a) has a duty to enforce the provisions of this section within their area;
 - (b) must make to the Secretary of State, whenever he or she so directs, a report on the exercise of the authority's functions under this section.
- A report under paragraph (b) must be in such form, and contain such particulars, as the Secretary of State may direct.
- (8) Proceedings for an offence under this section may be instituted only—
- (a) by or on behalf of a local weights and measures authority in England,
 - (b) by or on behalf of the Secretary of State, or
 - (c) with the consent of the Director of Public Prosecutions.

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(9) In this section—

“contract of employment” has the same meaning as in the Employment Rights Act 1996 (see section 230(2) of that Act);

“offering”, in relation to any course or training, includes offering or marketing it to the public generally or to any section of the public;

“officer”, in relation to a body corporate, means—

(a) a director, manager, secretary or similar officer of the body, or a person purporting to act in such capacity;

(b) a governor of an educational institution conducted by the body.

(10) The reference in subsection (1) to describing any course or training as an apprenticeship includes a reference to describing an individual who undertakes it as an apprentice.]]

Textual Amendments

F68 Ss. A9, A10 inserted (4.7.2016) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 24(1)**, 44(2)(c)

F69 S. A11 inserted (1.4.2017) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 25(1)**, 44(5); S.I. 2017/346, reg. 2(c)

[^{F70}A12 Interpretation of Chapter A1

(1) In this Chapter—

“approved technical education qualification” means a technical education qualification that is approved by the Institute under section A2D3 or [A2D5](#);

“Ofqual” means the Office of Qualifications and Examinations Regulation;

“published occupation” means an occupation which the Institute has determined falls within section ZA10(1)(a) and in relation to which information is published under section ZA10(5);

“specified category”, in relation to a qualification, means a category specified under section [A2D2](#);

“technical education certificate” has the meaning given by section A3A;

“technical education qualification” means a qualification that relates to one or more occupations.

(2) References in this Chapter to approval, in relation to a technical education qualification approved under section A2D3 or [A2D5](#), are to approval under the section in question.]

Textual Amendments

F70 S. A12 inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 7(7)**, 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)

Changes to legislation:

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6