



# Education Act 2011

## 2011 CHAPTER 21

### PART 7

#### POST-16 EDUCATION AND TRAINING

##### *Apprenticeships*

#### **69 The apprenticeship offer**

- (1) ASCLA 2009 is amended as follows.
- (2) After section 83 insert—

##### **“83A The apprenticeship offer**

- (1) The Chief Executive must secure the provision of proper facilities for apprenticeship training that is suitable to the requirements of persons who—
  - (a) are within subsection (4), (5) or (6), and
  - (b) have an apprenticeship opportunity.

This is subject to section 83B (limit on scope of apprenticeship offer).

- (2) The duty imposed by subsection (1) is referred to in this section and section 83B as “the apprenticeship offer”.
- (3) An apprenticeship opportunity is an opportunity to—
  - (a) enter into an apprenticeship agreement,
  - (b) enter into any other contract of employment in connection with which training will be provided in accordance with an apprenticeship framework, or
  - (c) undertake any other kind of working—
    - (i) in relation to which alternative English completion conditions apply under section 1(5), and

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 Education Act 2011, Cross Heading: Apprenticeships. (See end of Document for details)*

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- (ii) in connection with which training will be provided in accordance with an apprenticeship framework.
- (4) A person within this subsection is one who is over compulsory school age but under 19.
- (5) A person within this subsection is one who is not within subsection (4) and—
- (a) is a person aged under 21 towards whom a local authority in England has the duties provided for in section 23C of the Children Act 1989 (continuing functions in relation to certain formerly looked after children), or
  - (b) is a person to whom section 23CA of that Act applies (further assistance for certain formerly looked after children aged under 25), in relation to whom a local authority in England is the responsible local authority (within the meaning of that section).
- (6) A person within this subsection is one who—
- (a) is not within subsection (4), and
  - (b) is of a prescribed description.
- (7) If regulations under subsection (6)(b) describe a person by reference to an age or an age range, the age, or the upper age of the age range, must be less than 25.
- (8) Facilities are proper if they are—
- (a) of a quantity sufficient to meet the reasonable needs of individuals, and
  - (b) of a quality adequate to meet those needs.
- (9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which Chief Executive must have regard) apply for the purposes of the apprenticeship offer.
- (10) In complying with the apprenticeship offer the Chief Executive must make the best use of the Chief Executive's resources.
- (11) In this section “apprenticeship framework” has the meaning given by section 12.
- (12) The Secretary of State may by order amend this section for the purpose of changing the descriptions of persons to whom the apprenticeship offer applies.

### **83B Limit on scope of the apprenticeship offer**

- (1) The Chief Executive is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training at a particular level for a person who—
- (a) has already completed an English apprenticeship in relation to an apprenticeship framework at that level, or
  - (b) holds an apprenticeship certificate at that level.
- (2) For the purposes of this section apprenticeship training is at a particular level if it might reasonably be expected to lead to the issue of an apprenticeship certificate at that level.

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- (3) The following provisions of Chapter 1 of Part 1 apply for the purposes of this section—
- section 1 (meaning of “completing an English apprenticeship”);
  - section 12 (meaning of apprenticeship framework and level of an apprenticeship framework).
- (4) In this section “apprenticeship certificate” means an apprenticeship certificate issued under section 3 or 4.
- (5) A reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level.”

(3) Schedule 18 (consequential amendments) has effect.

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**Commencement Information**

**II** S. 69 in force at 1.9.2012 by S.I. 2012/1087, art. 3

**F170 Securing the provision of apprenticeship training**

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**Textual Amendments**

**F1** S. 70 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 65\(b\)](#)

**71 Apprenticeship certificates**

- (1) ASCLA 2009 is amended as follows.
- (2) In section 5 (issue of certificates by the English certifying authority: supplementary), in subsection (3), for the words from “the English certifying authority” to the end substitute “ a person supplying a copy of an apprenticeship certificate to charge a fee for doing so. ”
- (3) For section 6 (apprenticeship certificates: the English certifying authority) substitute—

**“6 The English certifying authority**

- (1) In this Chapter, the “English certifying authority”, in relation to an apprenticeship certificate of any description, means—
- (a) the person (if any) designated by the Secretary of State under this section to issue apprenticeship certificates of that description;
  - (b) if there is no-one within paragraph (a), the person (if any) designated by the Secretary of State under this section to issue apprenticeship certificates generally;
  - (c) if there is no-one within paragraph (a) or (b), the Secretary of State.

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- (2) The power conferred by subsection (1)(a) must be exercised so as to secure that, at any time, only one person is designated to issue apprenticeship certificates relating to a particular apprenticeship sector.
- (3) A person designated under this section to issue apprenticeship certificates must, in exercising functions under this Chapter—
- (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 amended or revoked by the Secretary of State.”
- (4) In section 39(1) (interpretation of Chapter 1 of Part 1) for the definition of “English certifying authority” substitute—
- ““English certifying authority”, in relation to an apprenticeship certificate of any description, has the meaning given by section 6(1);”.

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**Commencement Information**

**I2** S. 71 in force at 1.4.2012 by S.I. 2012/924, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2011, Cross Heading: Apprenticeships.