

EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (MODIFICATIONS TO THE SPECIFICATION OF APPRENTICESHIP STANDARDS FOR ENGLAND) ORDER 2017

2017 No. 794

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The Apprenticeships (Modifications to the Specification of Apprenticeship Standards for England) Order 2017 (“the Order”) gives effect to modifications made to the Specification of Apprenticeship Standards for England (“SASE”) to include:
- British Sign Language qualifications as alternative literacy qualifications for Intermediate and Advanced Apprenticeships;
 - equivalent Scottish, Welsh and Northern Irish qualifications as recognised English and Maths prior qualifications;
 - the new GCSE numerical grades; and
 - exemptions from the English and maths minimum requirements for people with learning difficulties or disabilities.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 Section 25(3) of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) makes provision for the Secretary of State to give effect to modifications to SASE by order.
- 4.2 SASE specifies the requirements that must be met for recognised English frameworks to be issued under section 14(1) of the 2009 Act.
- 4.3 Sections 25 and 14 of the 2009 Act were repealed by the Deregulation Act 2015 as part of the government’s reforms to apprenticeships (which included the move from apprenticeship agreements and frameworks to approved English apprenticeships and standards). However, those sections were saved (subject to certain phasing-out and modification provisions) by the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 (SI 2015/994).

5. Extent and Territorial Application

5.1 This Order extends to England and Wales.

5.2 This Order applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 SASE sets out the minimum requirements to be included in any recognised English apprenticeship framework including qualifications.

7.2 SASE document DFE-00092-2017 mandates that Intermediate and Advanced Level Apprenticeship frameworks must specify that the apprentice must achieve (or have achieved) an English and maths qualification in order to complete their apprenticeship.

7.3 British Sign Language qualifications are intended to be an alternative literacy qualification for people who use British Sign Language as their primary language. The modification to SASE puts beyond doubt that such persons may rely on British Sign Language to successfully complete an apprenticeship.

7.4 SASE document DFE-00167-2017 includes equivalent Scottish, Welsh and Northern Irish qualifications in English and maths, as well as the new numerical grading system for GCSEs.

7.5 SASE document DFE-00167-2017 also includes exemptions from the English and maths minimum requirements for people with a learning difficulty or disability. This is a reasonable adjustment for those who, as a result of their learning difficulty or disability, cannot meet the regular requirements, but who would be expected to meet all the other vocational requirements of the apprenticeship.

Consolidation

7.6 This instrument does not amend another instrument.

8. Consultation outcome

8.1 There is no statutory requirement to consult in relation to making modifications to SASE under section 25 of the 2009 Act.

9. Guidance

9.1 Published alongside SASE is a Guidance document and an Information Requirement document.

9.2 The Federation of Industry Sector Skills and Standards hosts a web portal providing information about the range of apprenticeship frameworks available. We are working with the Federation of Industry Sector Skills and Standards on amending the detailed guidance.

9.3 The National Apprenticeship Service website has a wide range of information on Apprenticeships for learners and employers, and communicates any changes and developments to users and stakeholders.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 We will monitor closely the effect of the changes and use feedback to amend SASE and supporting guidance as necessary.

13. Contact

13.1 Jo-Anna Irving at the Department for Education (via email: Jo-Anna.IRVING@education.gov.uk) who can answer any queries regarding the instrument.