

Draft Regulations laid before Parliament under section 262(6) of the Apprenticeships, Skills, Children and Learning Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. 000

EDUCATION, ENGLAND
EMPLOYMENT AND TRAINING, ENGLAND

The Apprenticeships (Alternative English Completion
Conditions and Miscellaneous Provisions)
(Amendment) (Coronavirus) Regulations 2020

Made - - - - ***
Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections A1(4) and (5), 1(5) and 262(3)(a) of the Apprenticeships, Skills, Children and Learning Act 2009(1). In accordance with section 262(6) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020.

(2) These Regulations come into force on the day after the day on which they are made.

Amendments to the Apprenticeships (Alternative English Completion Conditions) Regulations 2012

2.—(1) The Apprenticeships (Alternative English Completion Conditions) Regulations 2012(2) are amended as follows.

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- (1) 2009 c. 22. Section A1 was inserted by paragraph 1 of Schedule 1 to the Deregulation Act 2015 (c. 20). Section 1 was repealed by paragraph 7 of that Schedule but continues to have effect by virtue of paragraph 3 of the Schedule to the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 (S.I. 2015/994), subject to the provision made by paragraph 4 of that Schedule for the phasing out of apprenticeship frameworks.
- (2) S.I. 2012/1199, to which there are amendments not relevant to these Regulations. Despite the repeal of section 1 of the Apprenticeships, Skills, Children and Learning Act 2009 by paragraph 7 of Schedule 1 to the Deregulation Act 2015, the Apprenticeships (Alternative English Completion Conditions) Regulations 2012 continue to have effect by virtue of paragraph 3 of the Schedule to the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015, subject to the provision made by paragraph 4 of that Schedule for the phasing out of apprenticeship frameworks.

- (2) In regulation 2 after “4” insert “, 4A”.
- (3) After regulation 4 insert—

“4A.—(1) The conditions are that—

- (a) a person (“P”) working under an apprenticeship agreement (“the agreement”) was dismissed by reason of redundancy on or after the day on which the Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020 came into force;
 - (b) P had entered into the agreement in connection with a recognised English apprenticeship framework (“the framework”);
 - (c) P had started a course of training (“the course”) for the competencies qualification identified in the framework but was dismissed before completing the course;
 - (d) throughout the duration of the period beginning when P started the course and ending when P was dismissed, P was working under the agreement or a previous relevant agreement;
 - (e) at the beginning of the day on which P was dismissed, P had completed at least 75% of the course;
 - (f) after being dismissed, P completed the course;
 - (g) throughout the duration of the period beginning with the day after the day on which P was dismissed and ending when P completed the course, P was working, otherwise than for reward, in connection with the framework; and
 - (h) P meets the requirements specified in the framework for the purpose of the issue of an apprenticeship certificate.
- (2) In paragraph (1)—
- (a) in sub-paragraphs (c) to (g), the references to P being dismissed are to the dismissal referred to in paragraph (1)(a);
 - (b) in sub-paragraph (d), a “relevant agreement” means an agreement entered into by P in connection with a recognised English apprenticeship framework, where that framework was the same as the framework referred to in paragraph (1)(b).”

Amendments to the Apprenticeships (Miscellaneous Provisions) Regulations 2017

3.—(1) The Apprenticeships (Miscellaneous Provisions) Regulations 2017(3) are amended as follows.

(2) In regulation 6—

- (a) in paragraph (1) after “paragraph (5)” insert “, (5A)”;
- (b) after paragraph (5) insert—

“(5A) This paragraph applies to a person where—

- (a) the person was working for an employer and receiving training, under an approved English apprenticeship agreement which was terminated on or after the day on which the Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020 came into force;
- (b) that agreement was terminated before the final day or the revised final day because the person was dismissed by reason of redundancy; and

- (c) at the beginning of the day on which that agreement was terminated, at least 75% of the practical period had elapsed.”

Date

Name
Parliamentary Under Secretary of State for
Apprenticeships and Skills
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Apprenticeships (Alternative English Completion Conditions) Regulations 2012 (“the 2012 Regulations”) and the Apprenticeships (Miscellaneous Provisions) Regulations 2017 (“the 2017 Regulations”). These Regulations are made in response to the anticipated impact of the coronavirus on the employment of apprentices in England.

Regulation 2 amends the 2012 Regulations. Those Regulations were made under section 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”). That section was repealed, together with other related provisions, by Schedule 1 to the Deregulation Act 2015; but those repealed provisions continue to have effect (with modifications) by virtue of paragraph 3 of the Schedule to the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015, as do the 2012 Regulations. Those saved provisions provide for the completion of an English apprenticeship in relation to an apprenticeship framework. To complete such an apprenticeship a person must meet the standard English completion conditions or the alternative English completion conditions. The 2012 Regulations specify the alternative English completion conditions. By virtue of section 1(5)(a) of the 2009 Act, these apply in circumstances where a person is working otherwise than under an apprenticeship agreement. These Regulations add an additional set of alternative English completion conditions. This enables a person who was in the process of completing a course of training under an English apprenticeship agreement, but is dismissed by reason of redundancy, to complete the apprenticeship, without any specified time limit for doing so, if they had completed at least 75% of the course of training. This only applies if the dismissal occurs on or after the day on which these Regulations come into force. There are other specified conditions too.

Regulation 3 amends the 2017 Regulations. Regulation 6 of those Regulations describes the kind of arrangements which constitute alternative English apprenticeships. Alternative English apprenticeships are provided for by section A1 of the 2009 Act. They are arrangements under which an apprentice may work, whether or not for an employer or for reward, in order to complete their apprenticeship by meeting an approved standard. Regulation 6 of the 2017 Regulations currently allows for an alternative English apprenticeship where the person was previously working under an approved English apprenticeship agreement (defined in section A1 of the 2009 Act) which was terminated early by reason of redundancy. However, this is currently only allowed for where less than 6 months of the “practical period” was left to run when the agreement was terminated. The “practical period” is the period during which an apprentice is expected to work and receive training under their apprenticeship agreement. These Regulations amend regulation 6 so that it also allows for an alternative English apprenticeship where an approved English apprenticeship agreement is terminated early by reason of redundancy, if at least 75% of the practical period under the agreement has been completed. This is irrespective of whether there is less than 6 months of that period left to run.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.