

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 That section was repealed, together with other related provisions, by Schedule 1 to the Deregulation Act 2015; but those repealed provisions continue to have effect (with modifications) by virtue of paragraph 3 of the Schedule to the Deregulation Act 2015 (Commencement No. 1 and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.