

EXPLANATORY MEMORANDUM TO
THE TECHNICAL EDUCATION CERTIFICATE (ENGLAND) REGULATIONS
2021

2021 No. 822

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 These Regulations make provision in relation to the supply of Technical Education Certificates by the Secretary of State. The Regulations require applications for certificates and copies of certificates to be made in writing and make provision for the Secretary of State to charge a fee for the copies if necessary. T Levels are currently the only technical education study programme to which these Regulations apply.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 These Regulations make provision about technical education certificates under section A3A(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (“the 2009 Act”), inserted by section 1(5) and paragraphs 1 and 24 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19).

7. Policy background

What is being done and why?

- 7.1 T Levels are a cornerstone of the Government’s reforms to post-16 technical education. They are two-year, post-16 technical study programmes, which include a substantial technical education qualification and additional steps to support learners towards achieving occupational competence. The full programme is equivalent in size and prestige to three A levels. T Levels are designed to support progression to employment and the nationally recognised certificates will serve as evidence to employers that a student has obtained the skills that they require.
- 7.2 T Levels in Digital, Construction and Education and Childcare employment routes started in September 2020. A further 20 T Levels will be available in further routes such as Health Care & Science, Engineering & Manufacturing and Agriculture. We expect over 100,000 learners to enter T Levels once they are fully rolled out (by 2027).
- 7.3 The first three T Levels are being delivered by a small number of education and training providers. The first T Level certificates will need to be issued by Department for Education in the Autumn of 2022 to approximately 1300 learners.
- 7.4 These Regulations allow the Secretary of State for Education to exercise powers in the 2009 Act to issue a certificate to a person who has completed an approved technical education qualification and additional steps towards occupational competence (for example, a T Level). The Regulations specify that applications for certificates can be made in writing and copies of certificates can be issued to a person who has applied for one in writing.
- 7.5 These Regulations also authorise the Secretary of State to charge a fee for issuing a technical education certificate or supplying a copy of it. The maximum fee for issuing a certificate is £25 and the maximum fee for supplying a copy of it is £30.
- 7.6 In practice T Level certificates are issued automatically, once a learner passes the T Level, through the ‘results and certification system’ operated by the Education Skills and Funding Agency (ESFA). The registration of a learner on a T Level programme through the system by the education and training provider will be taken to be the application for the T Level certificate.
- 7.7 In the future there may be technical education programmes of study other than T Levels, for which the Secretary of State will need to issue certificates and to which these Regulations apply. These Regulations will operate alongside existing regulations which allow the Secretary of State for Education to issue Apprenticeship certificates and charge a fee for copies if an application is made in writing.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 Consolidation does not apply as this is not an amendment to another instrument.

10. Consultation outcome

- 10.1 The Implementation of T Levels, including the design of T Level certificates and the Department for Education's role in issuing them, was the subject of a ten-week public consultation starting in November 2017. The [government response](#) was issued in May 2018.
- 10.2 Most respondents welcomed our proposals for certification (75% of the 345 respondents). Respondents included education providers, awarding organisations and employers.

11. Guidance

- 11.1 Overall guidance on what will be included on a T Level certificate is provided on [.gov.uk](#) and for each T Level subject by the [Institute for Apprenticeships and Technical Education](#). The T Level result and certification system provides the mechanism for applying for issuing T Level Certificates. The system will also be used to request copies of certificates. Guidance for awarding organisations and education and training providers on how to use the system will be published once the system is made live (due September 2021).

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

13. Regulating small business

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

14. Monitoring & review

- 14.1 The number of certificates issued each year will be recorded by the ESFA, as will requests for copies of certificates. The current position, which is not to charge a fee for copies of certificates will be reviewed if in future this becomes common practice and results in significant administrative costs.

15. Contact

- 15.1 Seb Ross at the Department of Education Telephone: (07392) 136288 or email: seb.ross@education.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Stella Pearson, Deputy Director for T Level delivery, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Gillian Keegan, Parliamentary Under Secretary of State for Apprenticeships and Skills, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.