EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIP CERTIFICATE (ENGLAND) REGULATIONS 2016

2016 No. 458

1. Introduction

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

2. Purpose of the instrument

2.1 The Apprenticeship Certificate (England) Regulations 2016 are being made under section A3 of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") to prescribe the manner in which an applicant must apply for an apprenticeship certificate following completion of an approved English apprenticeship. "Apprenticeship certificate" has the same meaning as in section A3 of the Act. The Regulations state that an applicant must apply in writing for an apprenticeship certificate or a copy of an apprenticeship certificate. The Regulations set out the maximum fees that the Secretary of State, or a person designated by the Secretary of State under the Act, may charge for issuing an apprenticeship certificate or supplying a copy of it. The maximum fees are £25 for issuing a certificate and £30 for supplying a copy of it. The instrument is to come into force on 29 April 2016. It is expected that the first certificates will be issued at the end of May 2016.

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 yet 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 These Regulations make provision about apprenticeship certificates under section A3 of the Apprenticeships, Skills, Children and Learning Act 2009. That section was inserted by Schedule 1 to the Deregulation Act 2015.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England only.

6. European Convention on Human Rights

6.1 The Minister of State, Nick Boles MP, has made the following statement regarding Human Rights:

In my view, the provisions of the Apprenticeship Certificate (England) Regulations 2016 are compatible with Convention rights.

7. Policy background

7.1 An independent review of apprenticeships in 2012 recommended a number of changes to improve apprenticeships in England. In response the Government committed to making apprenticeships more responsive to employer needs. In order to achieve this, the Government introduced the apprenticeship reforms set out in the Deregulation Act 2015 which inserts Chapter A1 (English apprenticeships) into the Apprenticeships, Skills, Children and Learning Act 2009. Approved English apprenticeships are a key feature of those reforms. These Regulations make provision about certificates ("an apprenticeship certificate") for approved English apprenticeships.

7.2 The purpose of prescribing the manner in which an applicant is required to apply for an apprenticeship certificate is to ensure that the Secretary of State has a written record of the application on which to base the decision to issue a certificate.

7.3 The maximum fee for a certificate is £25. The maximum fee for the copy of a certificate is £30. The issue of certification fees was raised following a consultation on the Draft Apprenticeship Bill from July to October 2008. Many respondents were concerned about the varying fees for an apprenticeship certificate. In recognition of this concern the government decided to cap the fee which could be charged for a certificate in the Apprenticeships, Skills, Children and Learning Act 2009. The current fee was set following a questionnaire to all Certification Bodies regarding the cost to issue apprenticeship certificates once the new online Apprenticeship Certification Service in England was in place from January 2012.

7.4 Owing to process and efficiency gains, the fee for a certificate is currently £22. Further efficiency gains may be possible as more of the certification verification processes moves towards a centralised electronic system where information is captured once and used for multiple purposes. We therefore do not wish to increase the maximum fee at this time to a higher amount than for frameworks, but we will monitor the fees periodically in line with inflation and other processes and make changes accordingly.

Consolidation

7.5 None.

8. Consultation outcome

8.1 No formal consultation was undertaken.

9. Guidance

9.1 Guidance on the administrative arrangements relating to the application and awarding of apprenticeship certificates are contained in the BIS/DfE Trailblazers guidance document and the Skills Funding Agency funding rules. Both publications are regularly updated and can be accessed on the GOV.UK website.

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 the processes and use feedback to amend the Regulations and supporting guidance documents as necessary.

13. Contact

13.1 Stella Pearson at the Department for Business Innovation and Skills. Telephone: 020 7215 3023 or email: stella.pearson @bis.gsi.gov.uk can answer any queries regarding the instrument.