EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (ISSUE OF APPRENTICESHIP CERTIFICATES) (ENGLAND) REGULATIONS 2011

2011 No. 900

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Apprenticeships (Issue of Apprenticeship Certificates) (England) Regulations 2011 prescribes the manner to be used by an applicant when applying to the English certifying authority for the issue of an Apprenticeship certificate.

2.2 The regulations authorise the English certifying authority to charge a fee for the issue of an Apprenticeship certificate and specifies the maximum fee which may be charged for the certificate.

2.3 The regulations make provision to authorise the English certifying authority to supply copies of an Apprenticeship certificate and to charge a fee for the supply subject to a maximum amount.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Apprenticeships (Issue of Apprenticeship Certificates) (England) Regulations 2011 are being made to prescribe the manner in which an applicant must apply for an Apprenticeship certificate. Assurances were given in Commons Committee that there would be a process prescribed to ensure that evidence of completion of the elements of an Apprenticeship framework could be verified. The regulations prescribe that an individual must apply in writing. The regulations authorise fees to be charged by the English certifying authority for the issue of certificates and the supply of copies of a certificate. During the passage of the legislation in Commons Committee confirmation was given that charges could only be made if empowered to do so by the Secretary of State through regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

5.2 The Act makes separate provision for the issue of Apprenticeship certificates in Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 Prior to the Act there were no statutory Apprenticeship completion conditions, no statutory arrangements for the issue of Apprenticeship certificates and no statutory role or functions for the certifying authority. The Act puts these arrangements and functions on a statutory footing for the first time. The policy intention is that all apprentices in England who meet the standard or alternative completion conditions; or who are otherwise able to satisfy the certifying authority that they meet the requirements specified in an Apprenticeship framework for the issue of an Apprenticeship certificate can be issued at the end of their training with a nationally recognised certificate with a consistent brand and format. This will provide an assurance to employers that an individual has completed a robust and rigorous programme of learning and experience specified in the relevant Apprenticeship framework which complies with the Specification of Apprenticeship Standards for England.

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 certifying authority has a written record of the application on which to base its decision to issue a certificate. The purpose of limiting the extent of the fee to be charged is to recover only the cost of issuing the certificate.

8. Consultation outcome

8.1 The government conducted a full public consultation on the Draft Apprenticeships Bill from July to October 2008. There were 69 responses and the overall assessment to the Draft Bill by COI was a positive response. Specifically, there was a welcome for the provisions on Apprenticeship certificates with the majority of respondents being positive about the proposed arrangements. Many respondents were concerned about the payment of a fee for the certificate although under the current arrangements these costs are usually paid or reimbursed by employers or training providers. However, under the new statutory arrangements provided for in the Apprenticeships, Skills, Children and Learning Act 2009 apprentices will need to be in paid employment unless specifically exempted through regulations which should go a considerable way to addressing those concerns. In further recognition of this concern the government has decided to cap the fee which the certifying authority may charge. The consultation report is available at:

http://www.education.gov.uk/consultations/downloadableDocs/Report%20on%20Draft%20apprenticeships%20Bill%20Consultation.doc

9. Guidance

9.1 The Act sets out the completion conditions for issue of an Apprenticeship certificate and the contents of the certificate. It is intended that the certifying authority will issue guidance on the administrative arrangements relating to the application and awarding of Apprenticeship certificates. The Secretary of State is not intending to issue guidance.

10. Impact

10.1 This instrument applies to individuals applying for an apprenticeship certificate and does not therefore impact on business, charities or voluntary bodies.

10.2 This instrument applies to individuals applying for an apprenticeship certificate and does not therefore impact on the public sector.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The intended outcome is that applicants who meet the conditions for issue of an Apprenticeship certificate will receive a high quality service from the certifying authority at reasonable cost. This will be subject to internal review after 12 months and, if appropriate, legislation will be amended accordingly.

13. Contact

Millar MacDonald at the Department for Business, Innovation and Skills Tel: 0114 2075175 or email: Millar.MacDonald@bis.gsi.gov.uk can answer any queries regarding the instrument.