EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (MISCELLANEOUS PROVISIONS) (ENGLAND) (AMENDMENT) REGULATIONS 2025

2025 No. 599

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon Baroness Smith of Malvern, Minister for Skills at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

2.2 Sidrah Chowdry, Deputy Director for Operational Delivery, Work-Based Skills Directorate, at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Laura Orritt-Hopkins, at the Department for Education, email: new.skillsoffers@education.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This legislation changes the minimum duration of the practical period of an apprenticeship from 12 months to 8 months. The practical period of an apprenticeship is the period for which an apprentice is expected to work and receive training. Equivalent changes are made in relation to the period for which an apprentice is expected to work and receive training under alternative English apprenticeship arrangements.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 This SI reduces the minimum duration of an apprenticeship from 12 months to 8 months for those apprentices who start their programme from 1 August 2025. This will apply to both apprenticeships taking place under apprenticeship agreements and under alternative arrangements.

5.2 Shorter apprenticeships will give learners and employers greater flexibility over the minimum length of an apprenticeship. The rationale for this is to better meet the needs of specific sectors and learners and support skills development in occupations where competence can be reached in less than the previous minimum duration of 12 months. The new minimum duration for apprenticeships is a flexibility that employers and training providers are free to choose to use. Whilst 8 months will be the floor, as previously with a twelve-month minimum duration, most apprenticeships will have a typical duration above the statutory minimum, and we expect that to remain the case in the future.

5.3 An approved English apprenticeship (an apprenticeship) is a job with training with the aim of delivering learners who are fully competent in a skilled occupation through combining substantial on and off-the job training. Off-the-job training is training which is delivering new skills relevant to the apprenticeship (excluding standalone English and maths) and is delivered in the apprentice's normal working hours but outside of their productive job role.

5.4 Each approved apprenticeship agreement (between the apprentice and the employer) must specify the practical period of the apprenticeship; the period for which the apprentice is expected to work and receive training. Previously, the minimum duration for the practical period of an apprenticeship was specified in legislation as 12 months.

5.5 There are some exceptions to the requirement for an apprenticeship agreement specified in the regulations which are "alternative English apprenticeships". These are specified to support sectors where contracts for employment are not appropriate, or where there are varied and flexible employment patterns. The minimum duration for these exceptions was also specified as 12 months.

What was the previous policy, how is this different?

5.6 The 2012 Richard Review of Apprenticeships[1] recommended the introduction of a mandatory minimum duration for apprenticeships to ensure that there was delivery of meaningful training in an occupation. This was previously set at 12 months.

5.7 This policy introduces greater flexibility for apprenticeships, enabling a duration of less than 12 months to a minimum of 8 months. Circumstances where this may be appropriate include where the training can be compressed to align with the normal cycle of the labour market, where learners have substantial prior learning which means they do not need 12 months of training to become occupationally competent and where specific apprenticeship standards do not require 12 months of off-the-job training for occupational competence to be reached.

5.8 The new minimum duration for apprenticeships is a flexibility for employers and training providers. They will continue to be able to agree a duration for the apprenticeship that is above the minimum of 8 months.

5.9 Our engagement and testing with the sector have indicated that moving to a minimum duration of 8 months strikes the right balance between granting additional flexibility whilst ensuring apprentices still receive meaningful training over a sustained period. All other aspects of the requirements for an apprenticeship will continue to apply.

5.10 The introduction of Foundation Apprenticeships, which are designed to provide learners with a good range of employability skills alongside broader training within an entry level occupation e.g. construction worker and support them to decide which apprenticeship in a more specific occupation to progress onto is also supported by a

[1] https://www.gov.uk/government/publications/the-richard-review-of-apprenticeships

reduction in the minimum duration. An 8-month minimum duration allows learners the time to develop the knowledge, skills and behaviours as well as the employability skills they need for success and progression. It also allows apprentices and employers to assess whether to invest further, enabling the apprentice to remain with the employer to progress onto further specific apprenticeships.

6. Legislative and Legal Context

How has the law changed?

6.1 The Apprenticeships (Miscellaneous Provisions) Regulations 2017 set the minimum duration of the practical period of an apprenticeship as 12 months. These regulations amend the provisions of the 2017 Regulations to change the minimum duration of the practical period of an apprenticeship from 12 months to 8 months. Equivalent changes are made in relation to the period for which an apprentice is expected to work and receive training under alternative English apprenticeship arrangements.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There was no statutory duty to consult.

7.2 Informal engagement took place with employers, providers, government departments and sector representatives. This level of engagement reflects that the new minimum duration for apprenticeships is a flexibility that employers and training providers are free to choose to use. They will continue to be able to agree a duration for the apprenticeship that is above the minimum of 8 months where this would be more appropriate for the labour market norm in their sector. The Department will continue to engage with employers when setting typical (guided) durations for individual apprenticeship standards in the usual way.

8. Applicable Guidance

8.1 We will issue operational guidance to employers, providers through the apprenticeship funding rules[2]. In addition, each apprenticeship standard (which describes the occupation to which it relates and sets out the outcomes that those seeking to achieve the standard are expected to attain to complete the apprenticeship) will provide a minimum number of hours for which the apprentice is expected to undertake off-the-job training. The provider and employer can then decide the timeframe over which to deliver these hours; this timeframe cannot be fewer than 8 months.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is a low level of impact per business. Neither employers nor training providers have to engage with the policy i.e., they can choose whether to provide apprenticeships.

[2] https://www.gov.uk/guidance/apprenticeship-funding-rules

Where they do choose to provide apprenticeships, they can choose to agree a duration that is above the minimum of 8 months.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is to change the commitment to employ those they wish to work with as apprentices from a minimum of 12 months to a minimum of 8 months.

9.3 The legislation does impact small or micro businesses, changing the commitment to employ those they wish to work with as apprentices from a minimum of 12 months to a minimum of 8 months. There was no need to exempt small and micro businesses from this requirement because businesses do not have to engage with the policy i.e., they can choose whether to employ apprentices.

9.4 There is no, or no significant, impact on the public sector because organisations can choose whether to provide apprenticeships. Where they do choose to provide apprenticeships, the minimum duration of an apprenticeship has changed from 12 months to 8 months.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through the Department's usual business processes.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").