EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (MODIFICATIONS TO THE SPECIFICATION OF APPRENTICESHIP STANDARDS FOR ENGLAND) (NO. 2) ORDER 2015

2015 No. 1761

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 Apprenticeships (Modifications to the Specification of Apprenticeship Standards for England) (No. 2) Order 2015 ("the Order") gives effect to modifications made to the Specification of Apprenticeship Standards for England ("the SASE") to replace the references to the Qualifications and Credit Framework ("QCF") with references to the Regulated Qualifications Framework ("RQF"), which is the single Ofqual regulated framework for qualifications.

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

3.1 None

4. Legislative Context

4.1 Section 25(3) of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") makes provision for the Secretary of State to give effect to modifications to the SASE by order.

4.2 The Specification of Apprenticeship Standards for England specifies the requirements that must be met for recognised English frameworks to be issued under section 14(1) of the Act.

4.3 Sections 25 and 14 of the 2009 Act were amongst the provisions of that Act repealed by the Deregulation Act 2015 as part of the government's reforms to apprenticeships (which included the move from apprenticeship agreements and frameworks to approved English apprenticeships and standards). However, those sections were saved (subject to certain phasing-out and modification provisions) by the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 (SI 2015/994).

5. Territorial Extent and Application

5.1 This Order applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 SASE sets out the minimum requirements to be included in any recognised English apprenticeship framework including qualifications. The current version of SASE (BIS/15/14) mandates that qualifications must be on the QCF. The QCF is being replaced by a single framework, the RQF, and any new qualifications that are developed will now need to be on the RQF. Any existing qualifications named on a framework which are updated will also be included in the RQF. QCF qualifications that are already within frameworks and approved for funding will continue to be accepted and funded.

7.2 To be eligible for funding, qualifications listed on an apprenticeship framework must comply with SASE therefore an update to SASE is required to include qualifications that will now be on the RQF and to remove the reference to the QCF.

7.3 The future of English frameworks is outlined in The future of Apprenticeships in England: Implementation Plan, October 2013[1] which explains that funding will cease for frameworks after the transition to Apprenticeship Standards. The changes made here reflect the requirements of SASE during the transition period.

8. Consultation outcome

8.1 There is no statutory requirement to consult in relation to making modifications to SASE under section 25 of the 2009 Act.

9. Guidance

9.1 Published alongside the SASE is a Guidance document and an Information Requirement document.

9.2 The Federation of Industry Sector Skills and Standards hosts a web portal providing information about the range of Apprenticeship frameworks available. We are working with the Federation of Industry Sector Skills and Standards on amending the detailed guidance.

9.3 The National Apprenticeship Service website has a wide range of information on Apprenticeships for learners and employers, and communicates any changes and developments to users and stakeholders.

10. Impact

10.1 No Regulatory Impact Assessment has been prepared because no impact on the private and voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

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[1] Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/253073/bis-13-1175-future-of-apprenticeships-in-england-implementation-plan.pdf

12. Monitoring & review

12.1 We will monitor closely the effect of the changes and use feedback to amend the SASE and supporting guidance as necessary.

13. Contact

13.1 Cheryl Hodson at the Department for Business, Innovation and Skills Tel: 020 7215 1683 or email: cheryl.hodson@bis.gsi.gov.uk can answer any queries regarding the instrument.