EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (MODIFICATIONS TO THE SPECIFICATION OF APPRENTICESHIP STANDARDS FOR ENGLAND) ORDER 2013

2013 No. 575

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) Order 2013 (" the Order") modifies the specification of apprenticeship standards for England ("the SASE") so as to change the requirements for Higher Apprenticeships at Levels 4 and 5 and to introduce requirements for new Level 6 and Level 7 Higher Apprenticeships.

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

3.1 None

4. Legislative Context

4.1 Section 25(1) of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") makes provision for the Secretary of State to direct the Chief Executive of the Skills Funding Agency to prepare draft modifications to the SASE. The Order brings the SASE into effect with those modifications.

4.2 The modifications to the SASE which are being brought into force relate to Higher Apprenticeship frameworks issued from 6 April 2013. To ensure that apprentices can complete Apprenticeships started against existing Higher Apprenticeship frameworks prior to 6 April 2013, arrangements will allow for existing Higher Apprenticeship frameworks to be treated as recognised Higher Apprenticeship frameworks until 5 April 2014.

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 The Government has prioritised public investment in Apprenticeships to develop Higher Apprenticeships. As part of this work, a need was identified for Higher Apprenticeships at Levels 6 and 7. In order for these frameworks to be recognised and issued as Higher Apprenticeships, the SASE needs to be modified.

7.2 The Department and HM Treasury set out in "The Plan for Growth", published in March 2011, how it proposed to support the overcoming of specific barriers faced by SMEs in accessing Apprenticeships by supporting business consortia to set up and maintain advanced and higher apprenticeship schemes, supported by grants, creating a further 10,000 apprenticeships by 2015.

8. Consultation outcome

8.1 Whilst there is no obligation to consult when an Order is being made under section 25(3) of the 2009 Act, the National Apprenticeship Service in partnership with the University Vocational Award Council (UVAC), led by Professor Joy Carter, working with the Mixed Economy Group of Further Education Colleges (MEG), consulted with relevant stakeholders, Sector Skills Councils and employer bodies during the early autumn from 3 September to 5 October. The consultation, *Meeting Employer Skills Needs: Consultation on Criteria for Higher Apprenticeships at Degree Levels* received 64 formal responses.

8.2 The breadth and background of responding organisations was an encouraging indication of interest amongst a new group of partners and employers, as was the comprehensive nature of responses. What has emerged is a strong view that at higher levels, greater flexibility is needed in comparison to Apprenticeships at Levels 2 and 3. This means that the SASE should be modified to meet the specific requirements of provision at Levels 4 to 7 and not simply revised based on requirements developed for Intermediate and Advanced Level Apprenticeships. The consultation also consolidated the belief that we must not compromise on what the purpose of an Apprenticeship is: a nationally recognised high quality work-based learning programme designed to develop and accredit the technical knowledge and competencies or "professional competencies" needed to perform a defined and nationally understood job role.

9. Guidance

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

9.2 The Alliance of Sector Skills Councils host a web portal providing information about Apprenticeships - the range of Apprenticeships available and those in development. There is also detailed guidance available here for any organisation interested in developing a new Apprenticeship. We are working with the Alliance of Sector Skills Councils on amending the detailed guidance to cover the new requirements for Higher Apprenticeships.

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.

12. Monitoring & review

12.1 We will monitor closely the development of new Higher Apprenticeship frameworks and use feedback to amend the SASE and supporting guidance as necessary.

13. Contact

13.1 Cath Witherington at the Department for Business, Innovation and Skills Tel: 0114 207 5307 or email: cath.witherington@bis.gsi.gov.uk can answer any queries regarding the instrument.