EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (MODIFICATIONS TO THE SPECIFICATION OF APPRENTICESHIP STANDARDS FOR ENGLAND) ORDER 2015

2015 No. 303

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 2015 (" the Order") modifies the specification of apprenticeship standards for England ("the SASE") to remove the requirement that GCSEs in English and mathematics that do not include 'enhanced functional content' and were achieved more than 5 years before commencing an apprenticeship can only be recognised if achieved at grade A (the five year rule).

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 Skills Funding to prepare draft modifications to the SASE. The Order gives effect to SASE with those modifications.

4.2 The modifications to the SASE which are being brought into force relate to Apprenticeship starts from 6 April 2015.

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. The current version of SASE (March 2013) includes a 'five year rule' which requires that GCSEs in English and mathematics that do not include 'enhanced functional content' and were achieved more than 5 years before commencing an apprenticeship can only be recognised if achieved at grade A. In practice, this means that learners who gained GCSEs at grades B or C more than five years before the start of their apprenticeship must pass additional qualifications in order to meet the apprenticeship requirements.

7.2 The 'five year rule' was originally included in SASE to recognise the additional functional content in GCSEs awarded from 2012. Current apprenticeship policy focuses on greater flexibility for employers and in this context the five year rule no longer represents apprenticeship policy.

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 host 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 to cover the new requirements for English and mathematics and Information and Communication Technology (ICT).

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.

Monitoring & review

12. 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 **Angela Stancill** at the Department for Business, Innovation and Skills Tel: 0114 207 5275 or email: angela.stancill@bis.gsi.gov.uk can answer any queries regarding the instrument.