EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (MODIFICATIONS TO THE SPECIFICATION OF APPRENTICESHIP STANDARDS FOR ENGLAND) ORDER 2018

2018 No. 946

1. Introduction

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

2. Purpose of the instrument

2.1 The instrument proposes to expand the list of equivalent minimum English, maths and ICT qualifications required for apprenticeship frameworks as set out in the Specification of Apprenticeship Standards for England (SASE). The updated list will include:

- International Baccalaureate
- Certificate of Secondary Education
- An updated suite of Scottish, Welsh and Northern Irish qualifications
- A range of level 2 and 3 English and maths qualifications such as Pre-U, Core Maths and Free Standing Maths
- New Computer Science GCSE

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 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 SASE by order.

6.2 SASE specifies the requirements that must be met for recognised English frameworks to be issued under section 14(1) of the 2009 Act.

6.3 Sections 25 and 14 of the 2009 Act were repealed by the Deregulation Act 2015 as part of the government's reforms to apprenticeships (which included the move from apprenticeship frameworks to apprenticeship 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).

7. Policy background

What is being done and why?

7.1 SASE sets out the minimum requirements to be included in any recognised English apprenticeship framework including qualifications.

7.2 SASE document DFE-00236-2018 broadens the list of English and maths qualifications accepted as prior attainment for Intermediate and Higher Apprenticeship frameworks. This ensures that those apprentices who have already obtained the specified equivalent English and maths qualifications do not need to study for a similar qualification.

7.3 It also includes the International Baccalaureate, Certificate of Secondary Education, Pre-U, Core Maths and Free Standing Maths qualifications, as well as equivalent Scottish, Welsh and Northern Irish qualifications in English and maths.

7.4 The SASE document also includes the new Computer Science GCSE to update the accepted equivalent qualifications in ICT.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 This instrument does not amend another instrument.

10. Consultation outcome

10.1 There is no statutory requirement to consult in relation to modifying SASE under section 25 of the 2009 Act.

11. Guidance

11.1 Published alongside SASE is a Guidance document and an Information Requirement document. These will not need to be amended as part of the modification.

11.2 We are working with the Institute for Apprenticeships on amending the detailed guidance for apprenticeship standards.

12. Impact

12.1 There is no or no significant impact on business, charities or voluntary bodies.

12.2 There is no or no significant impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because no businesses are likely to be affected by it.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to observe the effect of the changes and use feedback to amend SASE and supporting guidance as necessary.

14.2 The regulation does not include a statutory review clause.

15. Contact

15.1 Elizabeth Perry at the Department for Education, Telephone: 07384237138 or email: Elizabeth.Perry@education.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Clare MacDonald at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 Lord Agnew at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.