EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (THE APPRENTICESHIP OFFER) (PRESCRIBED PERSONS) REGULATIONS 2013

2013 No. 560

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 Section 83A of the Apprenticeships, Skills, Children and Learning Act 2009 ("the Act") imposes a duty to prioritise funding of apprenticeship training for specified groups of young people who have an apprenticeship opportunity ("the Apprenticeship Offer").

2.2 The Apprenticeships (the Apprenticeship Offer) (Prescribed Persons) Regulations 2013 prescribe disabled people as a further category of persons for the purposes of the Apprenticeship Offer.

2.3 The purpose of the instrument is to prescribe persons eligible for prioritised funding on the grounds of disability. It uses the definition of disability contained in section 6(1) of the Equality Act 2010, i.e. a physical or mental impairment where such impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

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

3.1 None.

4. Legislative Context

4.1 The Apprenticeships (the Apprenticeship Offer) (Prescribed Persons) Regulations 2013 specify a new category of person entitled to prioritised funding under the Apprenticeship Offer within the Act.

5. Territorial Extent and Application

5.1 This instrument 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 Act imposes a duty on the Chief Executive of Skills Funding to prioritise funding for apprenticeship training for specified groups of young people, who have an apprenticeship opportunity ("the Apprenticeship Offer"). This goes beyond the funding rules that apply to all apprentices. These Regulations extend the Apprenticeship Offer to disabled people and prescribe the definition of disabled for the purposes of the Apprenticeship Offer. There has been a commitment to include disabled people since the Act came into effect, however there was a need to consult with stakeholders over the definition of disabled.

8. Consultation outcome

8.1 The Government consulted with disability groups and experts about which definition of disabled to use. Consultation clearly supported the use of the Equality Act definition of disabled. This definition was felt to be clear and supportive of the Government's aims of increasing the accessibility of the apprenticeship programme.

9. Guidance

9.1 It is intended that the Skills Funding Agency/National Apprenticeship Service will issue guidance for apprentices and training providers on the administrative arrangements relating to the application of the Apprenticeship Offer for disabled people. The Secretary of State is not intending to issue guidance.

10. Impact

10.1 This instrument applies to individuals who are between the ages of 19 and 24, who meet the Equality Act definition of disabled and who have the opportunity to take an apprenticeship. It does not impact on business, charities, voluntary bodies or the public sector.

10.2 An Impact Assessment has not been prepared for this specific instrument as there is zero cost to business. A full Impact Assessment was published for the apprenticeship provisions in the Apprenticeships, Skills, Children and Learning Bill based on the recommendations of World Class Apprenticeships published in 2008.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This instrument will be subject to internal monitoring and review

13. Contact

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