EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (TRANSITIONAL PROVISION FOR EXISTING VOCATIONAL SPECIFICATIONS) (ENGLAND) ORDER 2011

2011 No. 901

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 The Apprenticeships (Transitional Provision for Existing Vocational Specifications) (England) Order 2011 makes transitional provisions for existing non-statutory English apprenticeship frameworks prepared prior to 1st March 2011 to be treated as if they were issued as statutory English apprenticeship frameworks under the Apprenticeships, Skills, Children and Learning Act 2009 ("the Act"). They will be treated as being issued on 13th April 2011 and as being withdrawn on 31st December 2011.

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

3.1 None.

4. Legislative Context

4.1 The purpose of the Order is to deem existing non-statutory English Apprenticeship frameworks as statutory English apprenticeship frameworks. This will allow apprentices who complete existing frameworks to be awarded a statutory apprenticeship certificate.

4.2 The instrument is part of a suite of regulations that will help to implement the apprenticeship programme.

5. Territorial Extent and Application

5.1 The Apprenticeships (Transitional Provision for Existing Vocational Specifications) (England) Order 2011 applies to England only.

5.2 The Act makes transitional provision for existing vocational specifications in Wales. Separate arrangements will be made to bring the transitional provisions into effect in Wales. The transitional provisions for Wales will not replicate that for England.

6. European Convention on Human Rights

6.1 The Secretary of State for Business, Innovation and Skills has made the following statement regarding Human Rights:

As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 Prior to the Act there were no statutory arrangements for specifying the standards to be met by apprenticeship frameworks. As Government has invested significantly in the range of apprenticeships and the numbers have grown significantly, it has emerged that there are wide variations in the content and quality of apprenticeship frameworks. The Act introduces the requirement for a *Specification of Apprenticeship Standards for England (SASE)*, a set of standards with which an apprenticeship framework in England must comply to be issued as a recognised English Apprenticeship framework under the Act.

7.2 This Order means that existing non-statutory English apprenticeship frameworks will be treated as if they were issued under the Act as statutory English apprenticeship frameworks from 13th April 2011 until 31st December 2011 when they will be withdrawn. The transitional provisions will ensure that apprentices working against non-statutory English Apprenticeship frameworks will be eligible for the award of a statutory apprenticeship certificate on completion of the framework. This will avoid unnecessary costs and disruption to employers and employees of apprentices having to transfer between frameworks prior to completion.

- ***Consolidation***

7.3 Not applicable.

8. Consultation outcome

8.1 Public consultation on the Draft Apprenticeships Bill did not include the transitional provisions as these provisions were not included in the Draft Apprenticeships Bill. They were added prior to introduction of the Apprenticeships, Skills, Children and Learning Bill 2009.

9. Guidance

9.1 The transitional provision will be communicated to stakeholders as part of guidance on the wider Apprenticeship implications of the Act. A copy of the guidance will be sent to the libraries of both Houses at the same time as soon as possible after the Order has been laid.

10. Impact

10.1 The impact on business, charities or voluntary bodies is zero cost.

10.2 The impact on the public sector is zero cost.

10.3 A full 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 Apprenticeships provisions in the ASCL Bill based on the recommendations of World Class Apprenticeships published in 2008.

11. Regulating small business

11.1 The legislation applies to small business as apprentices working towards completion of frameworks covered by the transitional provisions may be employed by small businesses. However, the regulation is intended to provide continuity for those apprentices currently working towards completion of a non-statutory English Apprenticeship framework and does not impose a regulatory burden on small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to allow flexibility through a period of transition so that employees working against an existing Apprenticeship framework may complete that framework. It will avoid the costs and disruption to employers and employees of apprentices having to transfer between frameworks prior to completion. This flexibility will also apply to larger employers.

11.3 The basis for the final decision on what action to take to assist small business was taken on the basis of avoiding unnecessary costs and disruption and that the Order would have zero cost impact on small business.

12. Monitoring & review

12.1 The outcome of the Apprenticeships (Transitional Provision for Existing Vocational Specifications)(England) Order 2011 is that from 13th April 2011, current Apprenticeship frameworks in England will be treated as if it had been issued in compliance with the requirements of the Act. It will enable apprentices working against existing frameworks to satisfy the condition, for the award of an Apprenticeship certificate, to have met the requirements of a framework recognised by the Act. It will avoid unnecessary costs and disruption to employers and employees of apprentices having to transfer between frameworks prior to completion. The success of the outcome will be reviewed, as part of a wider review of the arrangements for issuing Apprenticeship frameworks in England, after 6 months and a report submitted to the Secretary of State.

13. Contact

13.1 Gary Bollington at the Department for Business, Innovation and Skills Tel: 0114 207 5023 or email: gary.bollington@bis.gsi.gov.uk can answer any queries regarding the instrument.