EXPLANATORY MEMORANDUM TO

THE APPRENTICESHIPS (ALTERNATIVE ENGLISH COMPLETION CONDITIONS) (AMENDMENT) REGULATIONS 2013

2013 No. XXXX

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 purpose of The Apprenticeships (Alternative English Completion Conditions) Regulations 2013 is to add the Maritime Occupations (Advanced) Apprenticeship to the schedule of apprenticeships in occupations where self-employment or unpaid employment is the norm. The instrument will enable individuals who complete the Maritime Occupations (Advanced) Apprenticeship to be deemed to have completed an English apprenticeship for the purposes of the Apprenticeships, Skills, Children and Learning Act 2009 (the Act), and to be eligible for an apprenticeship certificate, in the prescribed circumstances.

2.2 Alternative completion conditions will apply to all pathways within the Maritime Occupations (Advanced) Apprenticeship Framework.

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

3.1 None.

4. Legislative Context

4.1 The Apprenticeships (Alternative English Completion Conditions) Regulations 2012 (the 2012 Regulations) specify the conditions under which apprentices who work other than under an apprenticeship agreement are able to complete an English apprenticeship.

4.2 The Apprenticeships (Alternative English Completion Conditions) (Amendment) Regulations 2013 add a further apprenticeship to Schedule 1 to the 2012 Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England.

5.2 The Act makes separate provision for alternative Welsh completion conditions.

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:

In my view the provisions of The Apprenticeships (Alternative English Completion Conditions) (Amendment) Regulations 2013 are compatible with the Convention rights.

7. Policy background

7.1 The Act makes provision for a statutory framework for apprenticeships with sufficient flexibility to allow employers to organise apprenticeships to meet the needs of their industry or sector. There are already in place statutory requirements which govern the standard completion conditions for an apprentice, employed under an apprenticeship agreement (contract of service) throughout their apprenticeship. These Regulations specify alternative completion conditions for apprentices undertaking the framework in Maritime Occupations (Advanced) who do not work under an apprenticeship agreement, to undertake and complete apprenticeship training.

8. Consultation outcome

8.1 The government conducted a full public consultation on the Draft Apprenticeships Bill from July to October 2008. There were 69 responses and the overall assessment of them was positive. Respondents were generally receptive to the legislative proposals with particular reference to the Government's aims of promoting apprenticeships as a valuable alternative to conventional qualifications and providing a central mechanism for apprenticeship provision. A copy of the consultation report on the Draft Apprenticeships Bill is available at:

http://www.education.gov.uk/consultations/downloadableDocs/Report%20on%20Draft%20apprenticeships%20Bill%20Consultation.doc

8.2 Specifically, the consultation on the Draft Apprenticeships Bill did not include the Alternative English Completion Conditions as these provisions were added later during the passage of the Bill. However, on 9 September 2010 and again on 12 November 2012 Sector Skills Councils and standards setting bodies across all sectors were invited by the Department to submit a case for their occupations, industries and sectors where they met the conditions for Alternative English Completion Conditions. Following the 2012 invitation three applications were received for alternative completion conditions. Two of these were rejected because the case was not felt to be sufficiently strong. Following detailed discussion with the sector the case for the inclusion of the Maritime Occupations (Advanced) Apprenticeship was approved.

9. Guidance

9.1 It is intended that the certifying authority, which will be the Alliance of Sector Skills Councils, will issue guidance from time to time on the administrative arrangements relating to the application and awarding of apprenticeship certificates. This guidance will cover circumstances where the standard completion conditions do not apply. The Secretary of State is not intending to issue guidance.

10. Impact

10.1 This instrument applies to individuals who are not working under an apprenticeship agreement and does not impact on business, charities, voluntary bodies or the public sector.

10.2 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 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 review to determine whether the instrument remains valid and to consider whether any occupations or frameworks should be added, amended or removed.

13. Contact

Tanya Lawes at the Department for Business, Innovation and Skills Tel: 020 7215 1418 or email: Tanya.lawes@bis.gsi.gov.uk for any queries regarding the instrument.