EXPLANATORY MEMORANDUM TO

THE ENGLISH APPRENTICESHIPS (CONSEQUENTIAL AMENDMENTS TO PRIMARY LEGISLATION) ORDER 2015

2015 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.

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

2. Purpose of the instrument

2.1 The Order makes consequential amendments to primary legislation to give full effect to the substantive provisions of the Deregulation Act 2015 ("the Act") relating to apprenticeships.

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

3.1 None

4. Legislative Context

4.1 This Order is made in exercise of the powers conferred by section 112(1) and (2) of the Act which confers on the Secretary of State the power to make consequential provision.

4.2 The Order amends primary legislation in consequence of the commencement of section 3 of the Act and provisions in Part 1 of Schedule 1 to the Act. Section 3 of, and Part 1 of Schedule 1 to, the Act provide for the simplification of English apprenticeships. Schedule 1 inserts Chapter A1 (Apprenticeships: England) into Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") in order to reform English apprenticeships. Chapter A1, among other things, defines an approved English apprenticeship, provides that new apprenticeship standards will set out the outcomes that persons seeking to complete an approved English apprenticeship are expected to achieve, sets out the basis on which a certificate will be awarded and confirms the contractual status of apprenticeship agreements.

5. Territorial Extent and Application

5.1 This Order applies to England.

6. European Convention on Human Rights

6.1 The Minister of State, Nick Boles MP, has made the following statement regarding Human Rights:

> In my view, the provisions of the English Apprenticeships (Consequential Amendments to Primary Legislation) Order 2015 are compatible with Convention rights.

7. Policy background

7.1 An independent review of apprenticeships in 2012 recommended a number of changes to improve apprenticeships in England. In response the Government committed to making apprenticeships more responsive to employer needs. In order to achieve this the Government introduced the apprenticeship reforms in Schedule 1 to the Act. Approved English apprenticeship agreements (within the meaning of new section A1(3) of the 2009 Act) and alternative English apprenticeships (within the meaning of new section A1(4) of the 2009 Act) form part of those reforms.

7.2. This Order makes consequential amendments to three different provisions in primary legislation in order to insert references to approved English apprenticeship agreements and alternative English apprenticeships in the appropriate places in those Acts. In particular the Order amends:

- section 15ZA(8) of the Education Act 1996 (Duty in respect of education and training for persons over compulsory school age: England) so that references to "apprenticeship training" within that section include training provided in connection with approved English apprenticeship agreements and alternative English apprenticeships;
- section 15ZC(2) of the Education Act 1996 (Encouragement of education and training for persons over compulsory school age: England) so that reference to participating in the provision of training includes participating by entering into an approved English apprenticeship agreement;
- section 66(1) of the Education and Skills Act 2008 (Interpretation of terms in Part 1 of that Act – Duty to participate in education or training: England) so that the reference to "apprenticeship agreement" in section 2 of that Act includes approved English apprenticeship agreements.

8. Consultation outcome

8.1 No formal consultation was undertaken specifically on these amendments as there is no statutory requirement for this. They are technical and relatively minor amendments which are consequential on provisions of the Act which were scrutinised by Parliament. There has, however, been consultation with the Department for Education which has responsibility for the legislation being amended by the Order.

9. Guidance

9.1 The Secretary of State is not intending to issue guidance in respect of the purely consequential changes made by this Order.

10. Impact

10.1 A separate full regulatory impact assessment has not been prepared for this consequential instrument because no impact on the private, public or voluntary sectors is foreseen separate to that already covered by the substantive provisions in the Act.

11. Regulating small business

11.1 The Order does not place any additional burdens on small business.

12. Monitoring & review

12.1 No monitoring is required. The Order makes consequential amendments only.

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.