EXPLANATORY MEMORANDUM TO

THE PUBLIC SECTOR APPRENTICESHIP TARGETS (AMENDMENT) REGULATIONS 2021

2021 No. 278

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 These Regulations amend the Public Sector Apprenticeship Targets Regulations 2017 (S.I. 2017/513) ("the 2017 Regulations"), which set the public sector apprenticeships target ("the target") for specified public sector bodies to achieve 2.3% of their headcount as new apprentice starts. The target period under the 2017 Regulations ran from 1st April 2017 to 31st March 2021. These Regulations set a new target period beginning with 1st April 2021 and ending with 31st March 2022.

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 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 These Regulations amend the 2017 Regulations which were made under the powers conferred by sections A9(1), (5)(c) and (d) and (6), and A10(1)(b), (3) and (7) of the Apprenticeships, Skills, Children and Learning Act 2009.

7. Policy background

What is being done and why?

7.1 The target was introduced in 2017 by virtue of the 2017 Regulations with the aim of boosting apprenticeship starts across the public sector.

7.2 The target of 2.3% was introduced in the 2017 Regulations after being consulted upon via a public consultation exercise. Certain public sector bodies with over 250 employees must have due regard to the target. It was introduced to strengthen the public sector's commitment to apprenticeships and to ensure that the public sector delivered substantial growth in apprenticeships.

7.3 The previous 4-year target period specified in the 2017 Regulations ends on 31st March 2021. Those regulations are being amended to provide for a new target period which is to run for one year, beginning with 1st April 2021 and ending with 31st March 2022.

7.4 This new one-year target period reflects a one-year spending review settlement and demonstrates the government's continued focus on delivering more apprenticeships in the public sector in 2021-22. The target is set as 2.3% of headcount in recognition of the current labour market conditions created by the Covid-19 pandemic. It is vital that the public sector leads the way and continues to demonstrate a commitment to apprenticeships as a means to boost employment and raise skills capability in the economy.

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.

9. Consolidation

9.1 There are no plans for consolidation.

10. Consultation outcome

10.1 There was no statutory duty to consult on these Regulations and we did not undertake a public consultation on the Regulations.

10.2 Informal consultations took place with public sector bodies across a number of public sector areas including health, emergency services, civil service, armed forces, local government, schools and academies. There was consultation with all Government departments and agreement to the new target through the Public Sector Apprenticeships Leaders Board, a group jointly chaired by Alex Chisholm, Chief Operating Officer of the Civil Service, and Eileen Milner, Chief Executive of the Education and Skills Funding Agency and focused on the growth of apprenticeships across the public sector.

11. Guidance

11.1 The Secretary of State intends to update non-statutory guidance in respect of these Regulations. It will be available on this link: Public sector apprenticeship target - GOV.UK (www.gov.uk)

12. Impact

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

12.2 The impact on the public sector of collecting and reporting data in line with the regulations is limited, and it is something they are already doing in reporting against the current target.

12.3 An impact assessment has not been prepared for this instrument because there is no impact on business, charities or voluntary bodies, and no additional impact on the public sector.

13. Regulating small business

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

14. Monitoring & review

14.1 These Regulations do not include a statutory review clause.

15. Contact

15.1 Charlotte Whittle at the Department for Education email: charlotte.whittle@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Jonathan Childs, Deputy Director for Apprenticeships Covid-19 Response at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 Gillian Keegan, Parliamentary Under Secretary of State for Apprenticeships and Skills at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.