

Explanatory Memorandum to Apprenticeships (Issue of Apprenticeship Certificates) (Wales) Regulations 2013

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Apprenticeships (Issue of Apprenticeship Certificates) (Wales) Regulations 2013.

Deputy Minister for Skills and Technology

20 May 2013

1. Description

These Regulations prescribe the manner to be used by an applicant when applying to the Welsh certifying authority for the issue of an apprenticeship certificate. A person must apply in writing. In practice this will be through completing the application process on the web-based 'Apprenticeships Certification Wales' system administered by the certifying authority. The certifying authority is authorised to charge a fee, not exceeding £30.00, for the original certificate. If a person applies for an additional copy of the certificate the certifying authority may charge a fee not exceeding £30.00 for the copy. For apprentices on a government-funded apprenticeship, the training provider applies for the certificate and pays the fee. Individuals or employers applying outside of government-funded apprenticeship programmes would need to use the system to apply directly and be responsible for paying the fees.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no matters of special interest.

3. Legislative background

These regulations are made under sections 7, 8 and 9 of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act"), and form part of the implementation of the statutory apprenticeships programme in Chapter 1 of Part 1 of the Act.

Pursuant to section 262(9) of the 2009 Act the instrument is subject to annulment (the negative procedure).

4. Purpose & intended effect of the legislation

There is currently no statutory arrangement in place to underpin the issue of apprenticeship certificates. These Regulations put certification arrangements onto a statutory footing in Wales.

The Regulations ensure that all apprentices in Wales who meet the standard or alternative completion conditions, or who are otherwise able to satisfy the certifying authority that they meet the requirements specified in an apprenticeship framework for the issue of an apprenticeship certificate can be issued, on completion of their training, with a nationally recognised certificate with a consistent brand and format. These Regulations form part of a suite of legislation that puts the existing government-funded apprenticeship programme onto a statutory footing. Apprentices who meet either the standard completion conditions or the alternative completion conditions and who achieve the attainments set out in a recognised Welsh apprenticeship framework are able to apply to the certifying authority for an apprenticeship certificate. Under section 8 of the Act however, a person who meets neither the standard nor the

alternative completion conditions may also apply for an apprenticeship certificate provided the evidence requirements by the certifying authority that all the attainments specified by a recognised Welsh apprenticeship can be satisfied.

5. Consultation

The government conducted a full public consultation on the Draft Apprenticeship Bill from July to October 2008. There were 69 responses and the overall assessment of them was positive. Specifically, there was a welcome for the provisions on apprenticeship certificates with the majority of respondents being positive about the proposed arrangements. Whilst many respondents were concerned about the payment of a fee for the certificate, under current arrangements these costs are usually paid by training providers. In addition, the fee has been capped and the regulations specify the maximum that can be charged. A copy of the report on the draft apprenticeship bill consultation can be supplied upon request.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has **not been** conducted because the main effect of the regulations is, with minor amendments, to convert the existing non-statutory apprenticeship certification arrangements into statutory obligations. The maximum fee set by the regulations reflects the average price that organisations supplying apprenticeship certificates currently charge. Changes to the administrative arrangements and the introduction of a certifying authority will reduce the actual cost of certification because the Act, which made separate provision for the issue of apprenticeship certificates in England, is already in force and the unit cost for producing an English apprenticeship certificate is known.

The introduction of these Regulations is anticipated to be neutral in its impact on both applicants for and suppliers of apprenticeship certificates when compared with the current non-statutory certification arrangements. The legislation has no impact on the statutory duties (sections 77 -79 GOWA 06) or statutory partners (sections 72-75 GOWA 06).

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.