

Explanatory Memorandum to the Apprenticeships (Specification of Apprenticeship Standards for Wales) (Modification) Order 2016

This Explanatory Memorandum has been prepared by the department of Economy, Skills and Natural Resources of the Welsh Government 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 (Specification of Apprenticeship Standards for Wales) (Modification) Order 2016.

Julie James, Minister for Skills and Science

15 September 2016

1. Description

This order is made under section 29(1) of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”). This order modifies the Specification of Apprenticeship Standards for Wales (the ‘SASW’) which was brought into effect in May 2013 by the Apprenticeships (Specification of Apprenticeship Standards for Wales) Order 2013.

All apprentice frameworks must meet the requirements specified in the modified SASW to be a recognised Welsh framework issued under section 19(1) of the 2009 Act. The modified SASW comes into effect on 14 October 2016.

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

There are no matters of special interest.

3. Legislative background

The Order is made using the power conferred on the Welsh Ministers by section 29(1) of the 2009 Act.

In accordance with section 29(2) of the 2009 Act the Welsh Ministers are satisfied that the SASW as modified, by this Order complies with section 31 of the 2009 Act. This Order is subject to annulment (the negative procedure).

4. Purpose & intended effect of the legislation

This Order brings into effect modifications to the SASW.

The SASW sets out the minimum requirements to be included in a recognised Welsh apprenticeship framework. Compliance with the SASW by Welsh issuing authorities is a statutory requirement of the 2009 Act when they consider whether to issue an apprenticeship framework.

This Order gives effect to modifications to allow “proxy” qualifications as a recognised alternative to Essential Skills as detailed under each apprenticeship framework level. The SASW has also been modified to allow a greater flexibility in obtaining occupational competence by allowing National Occupational Standards (‘NOS’) where they exist, or industry-wide standards or professional standards where they do not, to underpin the learning. The final modification to SASW is to Employer Rights and Responsibilities (ERR) which are no longer compulsory in SASW frameworks. Other consequential changes have also been made as well as some reordering.

Guidance for Welsh issuing authorities will now be issued in a separate document. Welsh issuing authorities must have regard to this updated guidance in reaching a decision on whether a framework submission complies with SASW.

A version of SASW incorporating the modifications contained in this Order entitled “the Specification of Apprenticeship Standards for Wales” will be published by the Welsh Ministers on the Welsh Government website.

5. Consultation

The Welsh Government conducted a technical consultation between 06 June and 27 June 2016. A large number of stakeholders were contacted to obtain their views on the modifications being made to SASW.

There were 23 responses from a wide range of sources including FE colleges, awarding organisations, training providers and Sector Skills Councils. The majority of respondents were in favour of all the proposed modifications to SASW.

6. Regulatory Impact Assessment (RIA)

The Welsh Ministers Code of Practice on carrying out regulatory impact assessments was considered in relation to this Order. A Regulatory Impact Assessment is not required as there is no impact.