

SCHEDULES

SCHEDULE 1

APPROVED ENGLISH APPRENTICESHIPS

PART 1

MAIN AMENDMENTS

- 1 In Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (apprenticeships, study and training), before Chapter 1 insert—

“CHAPTER A1

APPRENTICESHIPS: ENGLAND

A1 Meaning of “approved English apprenticeship” etc

- (1) This section applies for the purposes of this Chapter.
- (2) An approved English apprenticeship is an arrangement which—
 - (a) takes place under an approved English apprenticeship agreement, or
 - (b) is an alternative English apprenticeship,and, in either case, satisfies any conditions specified in regulations made by the Secretary of State.
- (3) An approved English apprenticeship agreement is an agreement which—
 - (a) provides for a person (“the apprentice”) to work for another person for reward in a sector for which the Secretary of State has published an approved apprenticeship standard under section A2,
 - (b) provides for the apprentice to receive training in order to assist the apprentice to achieve the approved apprenticeship standard in the work done under the agreement, and
 - (c) satisfies any other conditions specified in regulations made by the Secretary of State.
- (4) An alternative English apprenticeship is an arrangement, under which a person works, which is of a kind described in regulations made by the Secretary of State.
- (5) Regulations under subsection (4) may, for example, describe arrangements which relate to cases where a person—
 - (a) works otherwise than for another person;
 - (b) works otherwise than for reward.

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- (6) A person completes an approved English apprenticeship if the person achieves the approved apprenticeship standard while doing an approved English apprenticeship.
- (7) The “approved apprenticeship standard”, in relation to an approved English apprenticeship, means the standard which applies in relation to the work to be done under the apprenticeship (see section A2).

A2 Approved apprenticeship standards

- (1) The Secretary of State must publish standards for such sectors of work as the Secretary of State thinks appropriate for the purposes of this Chapter.
- (2) Each standard must be—
 - (a) prepared by the Secretary of State, or
 - (b) prepared by another person and approved by the Secretary of State.
- (3) Each standard must—
 - (a) describe the sector of work to which it relates, and
 - (b) if there is more than one standard for that sector, describe the kind of work within that sector to which it relates.
- (4) Each standard must set out the outcomes that persons seeking to complete an approved English apprenticeship are expected to achieve.
- (5) The Secretary of State may—
 - (a) publish a revised version of a standard, or
 - (b) withdraw a standard (with or without publishing another in its place).
- (6) Revisions of a standard may be—
 - (a) prepared by the Secretary of State, or
 - (b) prepared by another person and approved by the Secretary of State.

A3 Power to issue apprenticeship certificate

- (1) The Secretary of State may issue a certificate (“an apprenticeship certificate”) to a person who applies for it if it appears to the Secretary of State that the person has completed an approved English apprenticeship.
- (2) The Secretary of State may by regulations make provision about—
 - (a) the manner in which applications under subsection (1) must be made;
 - (b) the supply by the Secretary of State of copies of apprenticeship certificates issued under that subsection to persons to whom they were issued.
- (3) The Secretary of State may charge a fee for issuing an apprenticeship certificate or supplying a copy only if, and to the extent that, the charging of the fee is authorised by regulations.

A4 Delegation

- (1) Any function of the Secretary of State under this Chapter may be carried out by a person designated by the Secretary of State.
- (2) Subsection (1) does not apply to any power of the Secretary of State to make regulations.
- (3) A person designated under this section must—
 - (a) comply with directions given by the Secretary of State, and
 - (b) have regard to guidance given by the Secretary of State.
- (4) A designation under this section may be revoked.

A5 English apprenticeship agreements: status

- (1) To the extent that it would otherwise be treated as being a contract of apprenticeship, an approved English apprenticeship agreement is to be treated as not being a contract of apprenticeship.
- (2) To the extent that it would not otherwise be treated as being a contract of service, an approved English apprenticeship agreement is to be treated as being a contract of service.
- (3) This section applies for the purposes of any enactment or rule of law.

A6 English apprenticeship agreements: supplementary provision

- (1) If an agreement—
 - (a) contains provision which satisfies the conditions mentioned in section A1(3)(a) to (c), but
 - (b) also contains other provision which is inconsistent with those conditions,the other provision is to be treated as having no effect.
- (2) Before an agreement which satisfies the conditions mentioned in section A1(3)(a) to (c) is varied in such a way that it no longer satisfies one or more of those conditions, the person for whom the apprentice is working must give the apprentice a written notice.
- (3) The written notice must explain that, if the variation takes effect, the agreement will cease to be an approved English apprenticeship agreement.
- (4) If an agreement is varied in breach of the requirement under subsection (2), the variation has no effect.

A7 Crown servants and parliamentary staff

- (1) Section A1(3) applies in relation to—
 - (a) an agreement under which a person undertakes Crown employment,
 - (b) an agreement under which a person undertakes service as a member of the naval, military or air forces of the Crown, and
 - (c) an agreement under which a person undertakes employment as—

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- (i) a relevant member of the House of Lords staff, or
 - (ii) a relevant member of the House of Commons staff,
- as it applies in relation to any other agreement under which a person is to work for another (and this Chapter applies accordingly).
- (2) Subsection (1) is subject to subsection (3) and to any modifications which may be prescribed under subsection (5).
 - (3) Section A5(2) does not apply in relation to an approved English apprenticeship agreement that is an agreement within paragraph (a), (b) or (c) of subsection (1).
 - (4) Without prejudice to section 262(3), the power conferred by section A1(3)(c) may be exercised, in particular, to make provision in relation to an agreement within any of paragraphs (a), (b) and (c) of subsection (1) that differs from provision made in relation to other agreements under which a person is to work for another.
 - (5) The Secretary of State may by regulations provide for any provision of this Chapter to apply with modifications in relation to—
 - (a) an agreement within paragraph (a), (b) or (c) of subsection (1), or
 - (b) a person working, or proposing to work, under such an agreement.
 - (6) In subsection (1)—
 - “Crown employment” means employment under or for the purposes of a government department or an officer or body exercising on behalf of the Crown functions conferred by a statutory provision (but does not include service as a member of the naval, military or air forces of the Crown);
 - “relevant member of the House of Commons staff” has the meaning given by section 195(5) of the Employment Rights Act 1996;
 - “relevant member of the House of Lords staff” has the meaning given by section 194(6) of that Act.”