

Enterprise and Learning Committee

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Draft Apprenticeships Bill

Introduction

1. I welcome the opportunity of submitting evidence on the Draft Apprenticeships Bill which has been jointly published by the Department of Innovation, Universities and Skills and the Department for Children Schools and Families. Although the Bill as drafted is for England only, it is intended that the provisions of the Bill will be subsumed in the 4th session of the learning and Skills Bill at which stage it is possible that references and amendments relating to Wales might be included. This paper outlines the background to the Bill, the current arrangements that apply across England and Wales, our strategy for 14-19 education and training and apprenticeships in Wales and the implications of the proposed legislation on these arrangements.

Background

2. Apprenticeships are employer based programmes of learning which involve working and training with an employer, whilst working towards qualifications through a learning provider. There are currently two levels of Apprenticeship in Wales:

Foundation Modern Apprenticeship (Apprenticeships in England): work towards a National Vocational Qualification (NVQ) at Level 2, Key Skills qualifications and in most cases a relevant technical certificate.

Modern Apprenticeship (Advanced Apprenticeship in England): work towards a National Vocational Qualification (NVQ) at Level 3, Key Skills qualifications and in most cases a relevant technical certificate.

3. Modern Apprenticeships: The Way to Work (the "Cassel's Report") set out three characteristics which were felt to define Apprenticeships as a distinctive form of personal development:

an employer agrees to train a person, using the practices, equipment and personnel of his or her enterprise in doing so;

a mixture of on and off-the-job learning is involved; and

the completion of apprenticeship leads to public recognition that the apprentice has achieved proficiency in a trade, profession or occupation.

4. The operation of the Apprenticeship Programme does not rely on specific statutory authority but is founded on general powers of funding and on contractual relationships. The original Modern Apprenticeship programme was established in 1994 in reliance of the general powers of the Secretary of State under section 2 of the Employment and Training Act 1973. These powers have been transferred to the Welsh Assembly Government and are exercisable concurrently by the Secretary of State and the Welsh Ministers.

5. In Wales the apprenticeship programme is funded through contracts between the Welsh Assembly Government and a network of work based learning providers. In England the funding body is the Learning and Skills Council for England (LSC).

6. There are around 180 Apprenticeships in different careers (known as Apprenticeship Frameworks) developed under the direction of employers to ensure that they provide learners with the skills and knowledge that employers need. Frameworks are, essentially, the high level syllabus for an Apprenticeship in a particular career. Currently the standards for the development of these frameworks are set out in an Apprenticeship Blueprint which has been jointly agreed between the English and Welsh administrations. Apprenticeship frameworks are drawn up by Sector Skills Councils or sector bodies against the principles set out in the Blueprint and are approved for use in England, Wales and Northern Ireland by an Approvals Group under the aegis of the UK Commission for Employment and Skills.

Apprenticeship Bill proposals

7. The proposals in the Apprenticeship Bill are designed to support the UK Government's policy to make participation in education and training compulsory up to the age of 18 in England only. Currently under provisions of the Learning and Skills Act 2000 the Learning and Skills Council (and the Welsh Assembly Government) are required to secure the provision of 'proper' facilities for the education and training of people from the age of 16 up to the age of 19. Facilities are 'proper' if they are of sufficient quantity and adequate quality to meet the reasonable needs of young people. The proposals in the Apprenticeships Bill go further by specifying that the LSC should secure specific provision for apprenticeships for all qualified 16-18 year olds wanting to pursue this route. The Draft Bill also provides a statutory basis for the apprenticeship programme.

8. The Bill makes provision for:

a statutory function to be placed on the Secretary of State to approve the core elements that should apply to every Apprenticeship framework, (the specification of Apprenticeship standards, currently known as the 'blueprint');

the opportunity for organisations, such as Sector Skills Councils and employers to submit Apprenticeship Frameworks in draft to authorised persons and to the Secretary of State for issue if they comply with the 'blueprint';

the prescribing by the Secretary of State of model Apprenticeship agreements to be entered into between employers and Apprentices;
the establishment of a national (England) Apprenticeship vacancy matching service linking potential Apprentices with potential employers.

the securing of sufficient appropriate Apprenticeship places - an apprenticeship place for all suitably qualified young people aged 16-18

14 - 19 Learning Pathways

9. In Wales, we continue to pursue a policy of encouragement to participation, through offering attractive learning options and support for learners in the 16-18 age bracket - a legislative underpinning for this approach is being sought through the Learning and Skills Measure.

10. The aim of Learning Pathways 14-19 is to transform young people's options and opportunities by extending the choice and the flexibility available to learners. We will do this by securing individually tailored Learning Pathways that meet learners' needs, including the support they need to remain in learning and to achieve their potential. The 6 key elements to Learning Pathways are:

Individual Learning Pathway

Wider Choice and Flexibility (option menus)

The Learning Core

Learning Coach

Personal Support

Careers Advice and Guidance

Learning and Skills (Wales) Measure 2008

11. The provisions sought in the Measure are to provide for a legal framework to be put in place that will reflect Learning Pathways 14-19 policy and provide the means to develop that legal framework as policy develops. The primary purpose of the Measure is to create a right for learners aged 14-19 in Wales to elect to follow a course of study from a local area curriculum.

This Measure will provide a statutory basis for promoting cooperation between different learning settings, which will provide opportunities for young people to be given a wide range of choices, helping them to meet their aspirations and contribute to the future Welsh economy. The Measure will also allow for an education and training system in Wales where students are able to mix academic and vocational styles of learning to give them a wide range of skills and qualifications which will meet the requirements of our future workforce in Wales.

Apprenticeships in Wales

12. We want to strengthen the apprenticeship programme in Wales to ensure that it remains a viable pathway for young people within the 14-19 learning options. We already have a very successful all-age apprenticeship programme in Wales. Around 25,000 learners in Wales are in training on a foundation or modern apprenticeship each year. Figures suggest that at July 2007 the proportion of the working-age population on Modern Apprenticeship programmes in Wales was twice the proportion on Advanced Apprenticeships in England and the proportion of the working-age population taking up of the Foundation Modern apprenticeship in Wales also exceeds the take-up in England for their Apprenticeship programme.

13. In 2006 we put in place an improvement plan for work based learning and the action arising from this has led to improvements in the quality of provision and better completion rates. Overall apprenticeship framework success rates have now reached the Assembly Government target of 50%. We have recently published our proposals to build upon this in our skills and employment strategy and action plan "Skills that Work for Wales".

14. Whilst we share the ambition of our colleagues in England to see all young people up to the age of 18 engaged in learning our approach differs in that we believe the best way to engage young people and employers is through encouragement and support rather than compulsion. It is not possible for an Apprenticeship to be achieved without significant employment-based learning. In order to retain the quality of our apprenticeship programme we would wish all apprentices to be employed status built upon the principles of employer need and demand.

15. Our approach is therefore to have relevant, interesting courses and curriculum and support available through 14-19 Learning Pathways so that all young people want to stay in learning and to encourage employers to fully participate in the apprenticeship programme and to open up more opportunities for 16-18 year olds. We intend to facilitate more opportunities for young people through innovations such as our Work Based Learning Pathways, combining learning in school with practical hands on learning in a workplace environment. We aim to create better progression opportunities through the alignment of the Apprenticeship programme with the Welsh Bacc, and the development of higher level apprenticeships. We will also create more opportunities within SMEs and those employers who have not traditionally engaged in apprenticeships by developing flexible and innovative delivery approaches.

16. Skills that Work for Wales outlines our strategic approach to:

create more opportunities for young people to access apprenticeships;

ask Sector Skills Councils to define their entry requirements clearly;

work with Careers Wales to provide easier access to apprenticeship opportunities through a vacancy matching service;

align apprenticeships with the Welsh Baccalaureate;

raise the proportion of apprentices who complete their whole framework, building upon the work already underway as part of our 2006 improvement plan for work-based learning;

review the apprenticeships blueprint, which provides guidance for Sector Skills Councils on the content of their apprenticeship frameworks;

develop more opportunities for higher level apprenticeships; and

encourage more small and medium sized enterprises to participate in apprentice programmes.

Implications of Proposed Legislation for Apprenticeships in Wales

17. We wish to retain, as far as is possible, the current joint arrangements for apprenticeship standards and approval in England and Wales in order to avoid difficulties for both employers and individuals if different standards and frameworks are operating across the borders. We are working with the agencies in England to ensure that, wherever possible, we can agree on joint standards.

18. We agree with the principle that the Apprenticeship Programme should be placed on a statutory footing, to produce clear lines of responsibility and introduce greater stability. The First Minister has therefore written to UK Government Ministers to say that we would wish to see provisions in the Learning and Skills Bill that:

allow for co-operation between the Welsh Ministers and the Secretary of State in relation to the specification of apprenticeship standards;

contain order making powers for the Welsh Ministers to give effect to the specification of apprenticeship standards in Wales;

allow for order making powers for the Welsh Ministers to authorise a body to issue apprenticeship frameworks;

allow for either the Welsh Ministers themselves, or for the Welsh Ministers to be able to authorise a body, to issue apprenticeship certificates and charge fees; and

allow the proposal to clarify the meaning and status of apprenticeship agreements entered into in connection with a recognised apprenticeship framework, to apply in Wales.

John Griffiths AM, September 2008

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