

Draft Apprenticeships Bill

Consultation Response Form

The closing date for this consultation is: 8 October 2008

Your comments must reach us by that date.

department for
children, schools and families

Department for
**Innovation,
Universities &
Skills**

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

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Which of the following best describes you?

<input type="checkbox"/> Young person (under 18)	<input type="checkbox"/> Person (18 or over)	<input type="checkbox"/> Adult learner
<input type="checkbox"/> Professional working with young people	<input type="checkbox"/> Large employer	<input type="checkbox"/> Small/medium-sized employer
<input type="checkbox"/> Local authority	<input type="checkbox"/> Employer organisation	<input type="checkbox"/> Trade union
<input type="checkbox"/> Sector Skills Council	<input type="checkbox"/> Work-based learning provider/GTA	<input type="checkbox"/> Voluntary/community sector organisation
<input type="checkbox"/> College	<input type="checkbox"/> School	<input type="checkbox"/> Parent/carer
<input type="checkbox"/> Government Department/Agency	<input checked="" type="checkbox"/> Other (please specify)	

Please Specify: Awarding Body

General Questions

1 Do you have any comments about the draft Bill as a whole?

Yes

No

Comments:

The Bill appears not to focus on the most important factor governing the achievement of Government policy, namely the provision of places by employers. LSC research in 2005 identified a 7:1 imbalance between expressions of interest and employer places. Moreover research by the Federation of Small Businesses provides evidence from a sample of 1,160 firms explaining why 70% are not interested. Furthermore we see large firms proceeding with the development of their own in-house staff training schemes without reference to Apprenticeship programmes. Net private benefit is not seen to match net social benefit. Indeed the public sector lags significantly behind the private sector in the provision of places. Moreover employers tell us that they look to NAS to provide clear and versatile guidance to all relevant parties on how apprenticeships may be completed most effectively in order to address the currently low completion rate. There is therefore a pressing need to adapt proposed Apprenticeship programme structures to the needs of employers if policy is to prove deliverable.

2 Does the Bill provide the legislative framework to support the expansion and strengthening of apprenticeships as envisaged in World-class Apprenticeships?

Yes

No

Not Sure

Comments:

This section covers Apprenticeship Certificates (Clauses 1-6)

These clauses establish the conditions that apply for the awarding of certificates to persons who have met the requirements of a recognised apprenticeship framework.

3 Are the arrangements detailed in this section right?

Yes

No

Not Sure

Comments:

The certificates awarded to Apprentices need to gain and maintain credibility among employers of, especially Micro, Small and Medium Sized Enterprises. This places corresponding requirements on Sector Skills Councils whose credibility with employers is not yet comprehensive. Their involvement in quality-assuring achievement against awards will be crucial in building confidence.

This section covers Apprenticeship Frameworks (Clauses 7-10)

These clauses of the Bill define and set out the procedures for the issue of apprenticeship frameworks. Apprenticeship frameworks are currently developed and approved by Sector Skills Councils on behalf of the Secretary of State according to the apprenticeships blueprint. The frameworks are high level curricula for an apprenticeship in a specified career. As specified in the 'blueprint' the frameworks typically include an integrated programme which contains a competence element; a knowledge element; transferable or functional skills; and employment rights and responsibilities. Frameworks require a person to obtain a qualification such as an NVQ at Level 2, 3 or 4 in a particular subject to meet the competence and knowledge elements, as well as functional skills in English and maths.

4 Are the arrangements detailed in this section right?

Yes

No

Not Sure

Comments:

The arrangements detailed in this section appear right but in themselves may not contribute significantly to the achievement of the Government's policy objectives in this area. The national 'blueprint' needs to reflect more clearly the contribution of employers, especially Micro, Small and Medium Sized Enterprises, in their own right rather than through intermediaries. This is because the key factor limiting apprenticeship take-up would appear to be the provision of places by employers. The extent to which their voice is accurately reflected by Sector Skills Councils would appear to vary across industries. Moreover the blueprint will need to be sufficiently flexible to accommodate successful in-house training programmes of large employers who find the current frameworks too prescribed and unresponsive.

National Vocational Qualifications are valued to varying extents by employers in different industries, and are experienced by some as overly bureaucratic and focusing disproportionately on assessment rather than skill acquisition. (The opportunity to mix and match units across NVQs, as will be provided by the QCF, will however be welcomed) . Moreover onscreen and on demand assessment is preferred by employers to traditional portfolio compilation. Furthermore access to Apprenticeships via NVQs would benefit from accrediting prior learning and skill demonstration by older workers, in order to facilitate both adult participation and on-job skill sharing with younger learners. Technical Certificates are widely valued and the BTEC suite of units is relied upon to provide a wide range of appropriate underpinning knowledge against national occupational standards.

The blueprint development by the LSC, along with the frameworks developed by SSCs, should allow individual employers clear opportunities to accredit practical skill development arising from their day to day core business activities, rather than reinforcing generic and rigid qualifications which may be far removed from the priorities of the workplace.

This section covers specification of apprenticeship standards (Clauses 11-15)

These clauses set out requirements to be placed on the LSC to produce a specification of apprenticeship standards to which all frameworks must conform if they are to be issued. The specification could contain for example requirements as to competence and knowledge based elements, transferable skills, employment rights and responsibilities, clear progression routes and minimum off-station learning time.

5 Are the arrangements detailed in this section right?

Yes

No

Not Sure

Comments:

We welcome direct consultation of employers by the LSC, as well as via Sector Skill Councils, on the development of draft specifications of apprenticeship standards, so that these reflect the variety of grass roots employer activity.

This section covers Apprenticeship Agreements (Clauses 16 – 20)

The apprenticeship agreement will be a contract entered into between the employer and the apprentice and is central to the apprenticeships programme. It should set out both the on-the-job training and the learning away from the workstation that will be delivered; make clear what job role an apprentice will be qualified to hold upon completion; and stipulate the supervision that an apprentice will receive throughout the period of the Apprenticeship.

6 Are the arrangements detailed in this section right?

Yes

No

Not Sure

Comments:

If the reputation of apprenticeships is to be enhanced, apprenticeship agreements as a contract of service should include entitlement to the national minimum wage, along with arrangements under which remuneration rates will be monitored, in the light of evidence of employers failing to observe this. (82% of FSB respondents support a minimum wage for apprentices of £110 per week). Moreover apprenticeship learning on 'employment rights and responsibilities' should include information about avenues of redress in those cases where employers fail to pay minimum wages. Furthermore, communications to employers about the relative attractiveness of 'low wage' apprentice labour should be revised in order not to encourage such practice. The support of the TUC in diversifying the apprentice workforce may depend on such a commitment and such measures will build the reputation of

apprenticeships.

This section covers Duties of Learning and Skills Council and Secretary of State (Clauses 21 – 22)

These clauses make provision for a series of new duties incumbent on the LSC and place certain powers and responsibilities upon the Secretary of State to secure the provision of services in connection with the apprenticeships programme.

7 Are the obligations we are placing on the LSC right?

Yes

No

Not Sure

Comments:

We welcome the requirement of 'the LSC to exercise its functions with a view to securing 'that apprenticeship places are available in sufficient number and variety for suitably qualified people who want one'. This requirement may not however be within the LSC's gift as reflected in the 7:1 imbalance between expressions of interest and places identified by the LSC in 2005. There is a fundamental problem of providing employer places, as illustrated by research carried out by the Federation of Small Businesses. This suggests that 70% of small firms are not interested in providing apprenticeship places, for reasons of cost/benefit, bureaucracy and time. Moreover large firms have developed their own in-house training programmes which encourage employees to seek progression internally, reinforcing staff progression and retention. The LSC should therefore engage directly in discussions with employers of all sizes about how best to adapt the Apprenticeship framework to their needs, eg via Train to Gain.

Strategic account should be taken of the declining demand for apprentices in the economic downturn, in major sectors such as retailing where apprenticeships lack currency, and in regions where travel-to-learn is particularly problematic.

It is further important that the provision of apprenticeship places does not focus disproportionately on the needs of the 16-19 age group which will shrink in size over coming years. SEMTA report, for example, that the skill set of workers employed in engineering-related trades aged 50+, who are likely to retire over the next 10 years, is significantly missing from those aged 40+, with a corresponding need for investment in training and mentoring before those valuable skills are lost. The boundaries of this bill therefore need to be widened to take account of the contribution of apprenticeships across the full span of

people's working lives.

8 Are the obligations we are placing on the Secretary of State right?

Yes

No

Not Sure

Comments:

This section covers careers education (Clause 23)

This clause amends section 43 of the Education Act 1997 which requires state secondary schools to provide all pupils with a programme of careers education.

9 Are the arrangements detailed in this clause right?

Yes

No

Not Sure

Comments:

Collaboration between schools, colleges, work-based learning providers, and local employers would provide an effective means of ensuring that effective information, advice and guidance is provided in this respect.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Department for Business, Enterprise and Regulatory Reform Website:
<http://www.berr.gov.uk/files/file44364.pdf>

Phil Turner - DCSF consultation Co-ordinator 01928 794304

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 8 October 2008

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Moorfoot, Sheffield S1 4PQ

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