



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 1

#### APPRENTICESHIPS, STUDY AND TRAINING

#### CHAPTER 1

#### APPRENTICESHIPS

#### *Specification of apprenticeship standards: England*

### **23 Duty to prepare and submit draft specification: England**

- (1) If the Secretary of State so directs, the Chief Executive of Skills Funding must—
  - (a) prepare a draft specification of apprenticeship standards, and
  - (b) submit it to the Secretary of State.
- (2) In preparing the draft, the Chief Executive must consult—
  - (a) each person designated under section 13,
  - (b) persons who appear to the Chief Executive to represent—
    - (i) employers,
    - (ii) institutions within the further education sector, and
    - (iii) any other providers of training,
  - (c) any other persons or descriptions of persons specified in regulations, and
  - (d) such other persons as the Chief Executive thinks appropriate.
- (3) A direction under subsection (1) may specify the date by which a draft must be submitted to the Secretary of State.

- (4) Subsection (2) does not apply in relation to the first draft specification to be prepared by the Chief Executive after the commencement of this section.
- (5) “Institution within the further education sector” has the same meaning as in the [Education Act 1996 \(c. 56\)](#) (see section 4(3) of that Act).

## **24 Order bringing specification into effect**

- (1) Where a draft specification of apprenticeship standards has been submitted under section 23, the Secretary of State may by order provide that a specification of apprenticeship standards (“the specification of apprenticeship standards for England”) is to have effect—
  - (a) in the form of the draft, or
  - (b) in that form with such modifications as the Secretary of State thinks appropriate.
- (2) The Secretary of State may not make an order under subsection (1) unless satisfied that the specification of apprenticeship standards given effect to by the order complies with section 27.
- (3) The power conferred by subsection (1) is to be exercised so as to secure that at any time only one specification of apprenticeship standards has effect as the specification of apprenticeship standards for England.

## **25 Modification: England**

- (1) If the Secretary of State so directs, the Chief Executive of Skills Funding must—
  - (a) prepare draft modifications to the specification of apprenticeship standards for England, and
  - (b) submit the modifications to the Secretary of State.
- (2) A direction given under subsection (1) may specify the date by which the draft modifications must be submitted to the Secretary of State.
- (3) Where draft modifications to a specification of apprenticeship standards have been submitted under subsection (1), the Secretary of State may by order provide that the specification of apprenticeship standards for England is to have effect with those modifications.
- (4) The Secretary of State may not make an order under subsection (3) providing that the specification of apprenticeship standards for England is to have effect with modifications unless satisfied that the specification, as so modified, complies with section 27.

## **26 Replacement or modification: recognised English frameworks**

- (1) Subject to subsection (2), a recognised English framework does not cease to be a recognised English framework if, by virtue of an order under section 24 or 25, it ceases to meet the requirements specified for frameworks of its description by the specification of apprenticeship standards for England.
- (2) An order under section 24 may provide for an apprenticeship framework which—

- (a) immediately before the making of the order is a recognised English framework, but
  - (b) does not meet the requirements specified for frameworks of its description by the specification of apprenticeship standards for England to which the order gives effect,
- to cease to have effect as a recognised English framework.

## **27 Contents of specification of apprenticeship standards for England**

- (1) The specification of apprenticeship standards for England—
  - (a) must specify requirements to be met by recognised English frameworks,
  - (b) may specify different requirements in relation to recognised English frameworks at different levels, and
  - (c) must, in particular, specify requirements in relation to—
    - (i) recognised English frameworks at level 2, and
    - (ii) recognised English frameworks at level 3.
- (2) The requirements specified by the specification of apprenticeship standards for England must include—
  - (a) requirements as to English certificate requirements, including requirements as to standards of attainment to be required by them,
  - (b) requirements for a recognised English framework to include, as an English certificate requirement, the requirement that an apprenticeship certificate relating to the framework may be issued to a person only if the person has received both on-the-job training and off-the-job training, and
  - (c) requirements for a recognised English framework to—
    - (i) include, as an English certificate requirement, the requirement that one or more qualifications be held,
    - (ii) include, as an English certificate requirement, the requirement that the qualification, or the qualifications taken together, demonstrate the relevant occupational competencies and the relevant technical knowledge, and
    - (iii) identify the qualification that demonstrates the relevant occupational competencies as the competencies qualification in relation to the framework.
- (3) Requirements as to standards of attainment may be specified by reference, in particular, to descriptions of qualifications or training.
- (4) In this section—
  - “English certificate requirement” means a requirement specified in a recognised English framework for the purpose of the issue of apprenticeship certificates relating to that framework by the English certifying authority;
  - “off-the-job training” in relation to a recognised English framework, is training which—
    - (a) is received for the purposes of the skill, trade or occupation to which the framework relates, and
    - (b) is not on-the-job training;

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*Status: This is the original version (as it was originally enacted).*

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“on-the-job training” in relation to a recognised English framework, is training received in the course of carrying on the skill, trade or occupation to which the framework relates;

“the relevant occupational competencies”, in relation to a recognised English framework, means the competencies required to perform the skill, trade or occupation to which the framework relates at the level required in the framework;

“the relevant technical knowledge”, in relation to a recognised English framework, means the technical knowledge required to perform the skill, trade or occupation to which the framework relates at the level required in the framework.