



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Enterprise and Learning Committee

Apprenticeships, Skills, Children and Learning Bill

Background

1. At the request of the House of Commons Innovation, Universities, Science and Skills Select Committee, we provided a response to the UK Government's consultation on the Draft Apprenticeships Bill, which was published on 16 July 2008. We laid our interim response before the Assembly on 10 October 2008. A copy of our report can be found at:
<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-report/bus-committees-third-el-report-el3-08-r05.htm>
2. The Draft Apprenticeships Bill was drafted to apply to England only. We sought clarification from the Welsh Assembly Government regarding the mechanism by which Welsh clauses would be incorporated into the Bill. The Deputy Minister for Skills wrote to the Chair setting out the provisions the Welsh Assembly Government would be seeking in the Bill on 22 October 2008. A copy of the letter may be found at Annex 1 to this report.
3. In its report on the Draft Apprenticeships Bill, the House of Commons Innovation, Universities, Science and Skills Select Committee noted that 'the consultation on the operation of apprenticeships in Wales and on the application of the draft legislation to Wales has clearly been inadequate'. It therefore recommended, 'that the Government rectify this deficiency before the provisions in the draft Bill are finalised'.¹
4. This did not happen, even though we noted our view that 'this legislative approach is unsatisfactory and does not reflect well on the UK Government or the Welsh Assembly Government or indeed the current constitutional settlement'.

¹ Innovation, Universities, Science and Skills Select Committee, Seventh Report:
<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmduis/1062/106202.htm>

5. The Apprenticeships, Skills, Children and Learning Bill ('the Bill') was introduced in Parliament on 4 February 2009. It proceeded to Committee stage on 23 February 2009.

Introduction

6. We took the opportunity to inform ourselves of the Welsh Assembly Government's view and influence over the content of the Bill by scrutinising John Griffiths AM, the Deputy Minister for Skills, at a hearing on 12 March 2009.
7. The Deputy Minister for Skills provided a written memorandum, which is attached at Annex 2. The transcript of oral evidence is at Annex 3.
8. We were told that the Welsh Assembly Government believed that the Bill would provide, a useful opportunity to drive up the standards and status that apprenticeships have in Wales. We examined whether the Welsh clauses contained in the Bill provided a robust statutory basis to underpin this aspiration.
9. The report which follows therefore summarises the Committee's scrutiny of the Deputy Minister for Skills on policy issues, the process by which Welsh clauses were incorporated into the Bill, and the appropriateness of the powers contained in the Bill. Our recommendations are on p.8.

Skills that Work for Wales

10. 'Skills that Work for Wales' is the Welsh Assembly Government's overarching strategy for employment and skills; it was published in July 2008. In his written memorandum, the Deputy Minister for Skills listed its strategic objectives which are relevant to the apprenticeships' programme:
 - 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 the Welsh Assembly Government's 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; and

- develop more opportunities for higher level apprenticeships; and encourage more small and medium sized enterprises to participate in apprenticeship programmes.
11. We were informed of the success of the apprenticeships programme in Wales, given that we now have double the number of apprenticeships per head of population compared to England. The completion rate is currently around 50 per cent.
 12. The Deputy Minister informed us that he wished to build on these firm foundations using apprenticeships as a strong option within the 14-19 Learning Pathways.

Wales related provisions on apprenticeships in the Bill

13. In his written memorandum the Deputy Minister provided the Committee with an overview of the powers conferred by the Bill on Welsh Ministers with regard to apprenticeships:
 - confer powers on the Welsh Ministers to specify apprenticeship standards in Wales;
 - allow the Welsh Ministers to authorise bodies to issue apprenticeship frameworks ;
 - allow for either the Welsh Ministers themselves or bodies authorised by the Welsh Ministers to issue apprenticeship certificates to those completing apprenticeship courses; and
 - clarify the meaning and status of apprenticeship agreements entered into in Wales in connection with recognised apprenticeship frameworks.
14. An analysis of the clauses and their effect, provided to the Committee by its Legal Counsel and the Members' Research Service, may be found at Annex 4.

Apprenticeship Specification Standards

15. We scrutinised the Deputy Minister on the power conferred by the Bill to vary the specification standards that apply to England and Wales, as we wished to ensure that there would be no significant difference. Since apprenticeships are based on competencies and on national occupational standards, we believe there should be UK-wide compatibility.
16. The Deputy Minister sought to reassure us that work experience and knowledge developed through apprenticeships would essentially be the same in Wales and England. However, he noted that some separate arrangements would be appropriate given the preponderance of small

and medium-sized enterprises in the Welsh economy and because an all-age apprenticeship programme has been implemented here. He stated that he was of the opinion that differences, where they would apply, would be small.

17. On the issue of the technical certificate, which must be linked to the knowledge requirements of the national occupational standards, some differences may occur because of the stated aim of aligning apprenticeships with the Welsh baccalaureate. The Deputy Minister reiterated his aim, previously stated in evidence he provided on the Draft Apprenticeships Bill, that there should be good linkage between the Welsh baccalaureate and apprenticeships in order that some parts of the Welsh baccalaureate could count toward the apprenticeship framework. **Since this issue also featured in our report on the Draft Apprenticeships Bill, we ask that the Welsh Assembly Government provides the Committee with an update on progress made in aligning apprenticeships with the Welsh Baccalaureate.**

Cross-border issues

18. It is important that employers and employees understand the implications of the completion of apprenticeships in England and Wales, especially where apprenticeships, such as in the print industry, are not offered in Wales.
19. On the provision of apprenticeships in Wales, the Deputy Minister described how the Welsh Assembly Government, using further education colleges and private training providers, assessed the skills required based on knowledge of supply and demand.
20. We were glad to learn that there are cross-border arrangements that allow apprentices in Wales to undertake their training in a college or with a training provider in England. However, some operational issues, regarding travel and so on, still have to be addressed. **We recommend that the Welsh Assembly Government addresses these anomalies as soon as possible in order to facilitate the successful completion of apprenticeships in England by employees from Wales.**
21. On this issue, we draw attention to a possible loophole regarding funding, suggested by comments made in a letter to the Committee Chair by the Deputy Minister for Skills, when he stated that, 'Cross-border arrangements are in place – the Welsh Assembly Government fund apprentices who live or work in Wales and there is a reciprocal arrangement with the Learning and Skills Council who apply the same policy'. (See page 11)

Shared apprenticeships

22. We had heard previously from the Deputy Minister that shared apprenticeships were working well, given their obvious advantages for SMEs and it was clear to us that the Welsh Assembly Government wish to develop them further by seeking greater engagement from the public sector. **We recommend that the Welsh Assembly Government disseminates widely throughout the public sector emerging best practice from the shared apprenticeships pilot to encourage wider engagement with this commendable initiative.**

The Sector Skills Councils

23. The Bill confers a number of additional responsibilities on the Sector Skills Councils, (SSCs), and in particular their new role as issuing authorities. Given our recent scrutiny of the SSCs, we were concerned that some may not yet have the capacity to undertake this work. **Given our concerns regarding the capacity of the Sector Skills Councils in Wales, we recommend that once the Bill receives Royal Assent, the Welsh Assembly Government carefully monitors the performance of SSCs in carrying out their responsibilities under the Act, and request that it reports any concerns to this Committee.**
24. We note that many of the SSCs are still going through the relicensing process, which will not be completed until August. Relicensing will seek to provide assurance that SSCs are fit for purpose. The Welsh Assembly Government, through the relevant sub-group of the Wales Employment and Skills Board, will assist the UK Commission for Employment and Skills to prove fitness for purpose for the SSCs operating in Wales.

Employed status

25. We endorse the need for apprentices to have employed status and sought reassurance that that principle was accepted by employers. The Deputy Minister stated that he was 'working towards that'. **We would not wish there to be barriers which might undermine the relationship between employers and employees in this regard, we therefore recommend that the Welsh Assembly Government works with the CBI and the TUC and all who represent the interests of both employers and employees, to ensure the successful implementation of employer status for apprenticeships.**
26. We note the excellent example of the Welsh Assembly Government committing to recruit 100 apprentices over the next five years.

Careers Wales

27. The Deputy Minister hoped that young people would be provided with the necessary advice on apprenticeships via the careers and the world of work curriculum, which at Key Stage 4 provides personalised careers guidance with a qualified careers adviser. Advice would also be made available through the new Careers Wales online apprenticeships service.
28. We note that clause 35 obliges schools in England, when advising pupils on careers, to consider whether it would be in the best interests of pupils to receive advice relating to apprenticeships. This provision is not available in Wales.

The role of the Welsh Assembly Government

29. The Deputy Minister informed us that an apprenticeship unit was being established within the Department for Children, Education, Lifelong Learning and Skills. We wished to ascertain the role of the unit and ensure that it would underpin a joined-up approach by liaising with relevant officials in the Department for Economy and Transport.
30. It will be important for the unit to foster good relationships with employers, SSCs, and representative bodies, to ensure that the strategic objectives of 'Skills that Work for Wales' are realised appropriately. **We recommend that the Welsh Assembly Government invites a peer or independent review of the operation of this unit within a year of its establishment.**

The Legislative Process

31. Our report on the Draft Apprenticeships Bill raised a number of serious concerns regarding the approach that had been adopted for the inclusion of Welsh clauses in the Bill. We therefore wished to learn from the Deputy Minister of his dealings with the UK Government and whether there had been sufficient consultation with the Welsh Assembly Government.
32. We also questioned why there appeared to be no Measure-making powers in the Bill. We were told that such powers were not sought because the Bill conferred the necessary executive functions on the Welsh Ministers that were required and requested.
33. This raised the further issue of the relationship between this Bill and the Assembly's Learning and Skills Measure, for which Royal Assent is now being sought. It is apparent that there is a unified Bill in England, bringing together apprenticeships, skills and learning, but that in Wales, we have the Learning and Skills Measure, while provisions for apprenticeships are made in UK legislation. We note that this would however ensure the compatibility and commonality for the

apprenticeships specification standards, which is discussed above in paragraphs 15-16.

34. The Deputy Minister was happy that the UK Government and devolved administrations were moving forward on a basis of commonality with regard to the need for consistency as reflected on the face of the Bill.
35. We wished to ascertain the level of scrutiny of the Welsh clauses in the Bill during its passage through Parliament. There would be no involvement by Welsh Ministers at the Committee Stage, which we felt precluded effective scrutiny.
36. Given that there will be little opportunity either in the National Assembly for Wales or in the UK Parliament for detailed scrutiny of the Welsh clauses, we believe that this issue does not reflect well on the development of devolution. In particular, we very much regret the fact that the Welsh Assembly Government saw fit not to use this opportunity to seek Measure-making powers. **We recommend that the Welsh Assembly Government adopts a more strategic approach to law making, which would take account of the opportunities provided by Measure-making powers and delegated powers in UK Bills. We strongly recommend that it addresses the democratic deficit caused by deviation from normal legislative procedures for the incorporation of Welsh clauses in UK Bills, whereby little or no opportunity is currently afforded for their scrutiny.**

Government amendments sought

37. The Deputy Minister explained that since the publication of the Bill, the Welsh Assembly Government had sought an amendment to Clause 8 regarding the certifying authority, so that the designation of the Welsh certifying authority is made by Order, rather than as a designation in writing. We believe this to be a sensible approach.

In conclusion

38. We have noted the success of the apprenticeships programme in Wales, for which we commend the Welsh Assembly Government. However the legislative process by which Welsh clauses were incorporated in a large UK Bill was far from satisfactory and left little room for thorough scrutiny either at Westminster or in the National Assembly for Wales.

Summary of recommendations

Since this issue also featured in our report on the Draft Apprenticeships Bill, we ask that the Welsh Assembly Government provides the Committee with an update on progress made in aligning apprenticeships with the Welsh Baccaalaureate.

We recommend that the Welsh Assembly Government addresses these anomalies as soon as possible in order to facilitate the successful completion of apprenticeships in England by employees from Wales.

We recommend that the Welsh Assembly Government disseminates widely throughout the public sector emerging best practice from the shared apprenticeships pilot to encourage wider engagement with this commendable initiative.

Given our concerns regarding the capacity of the Sector Skills Councils in Wales, we recommend that once the Bill receives Royal Assent, the Welsh Assembly Government carefully monitors the performance of SSCs in carrying out their responsibilities under the Act, and request that it reports any concerns to this Committee.

We would not wish there to be barriers which might undermine the relationship between employers and employees in this regard, we therefore recommend that the Welsh Assembly Government works with the CBI and the TUC and all who represent the interests of both employers and employees, to ensure the successful implementation of employer status for apprenticeships.

We recommend that the Welsh Assembly Government invites a peer or independent review of the operation of this unit within a year of its establishment.

We recommend that the Welsh Assembly Government adopts a more strategic approach to law making, which would take account of the opportunities provided by Measure-making powers and delegated powers in UK Bills. We strongly recommend that it addresses the democratic deficit caused by deviation from normal legislative procedures for the incorporation of Welsh clauses in UK Bills, whereby little or no opportunity is currently afforded for their scrutiny.

ANNEXES

Annex1 – Letter from the Deputy Minister for Skills to the Chair of the Enterprise and Learning Committee, 22 October 2008.

Eich cyf/Your ref
Ein cyf/ LF/JG/0026/08
Gareth Jones AM
Committee Chair
Enterprise and Learning Committee
Cardiff Bay
Cardiff CF99 1NA

22 October 2008

Dear Gareth

ENTERPRISE AND LEARNING COMMITTEE: DRAFT APPRENTICESHIPS BILL

Further to the meeting of the Enterprise and Learning Committee on 24 September, I am writing to provide further information on the issues raised by members at the meeting. I have also received your letter dated 10 October enclosing the Committee's interim response to the Innovation, Universities, Science & Skills Select Committee.

I am sorry that there was some confusion at the Enterprise and Learning Committee about the handling of the Draft Apprenticeships Bill. However, with regard to the Committee's interim report, I do think the position was clarified at my evidence giving session and it proceeded after the UK legislative process involved was stated, and accepted by me. To further clarify, the UK Government's legislative programme for the next session of Parliament set out the intention to publish a Bill which would include proposals for putting apprenticeships on a more robust statutory basis. The UK Government decided that, for consultation purposes, it wished to publish the proposals on apprenticeships separately in a Draft UK Apprenticeships Bill. However it was always the intention that the proposed legislation would become part of the 4th session Education and Skills Bill.

As you know the Draft UK Apprenticeships Bill was published for consultation in draft on 16 July 2008 The Welsh Assembly Government is considering the provisions in detail and has indicated to the UK Minister leading on this Bill that we would wish to consider the provisions in relation to Wales.

We wrote to the UK Government outlining our requirements on 12 August and, as I have stated, the Minister responsible for the Bill has indicated his willingness to include the provisions for Wales and we are in the process of drafting instructions for our lawyers as to the possible opportunities that this may provide. The Draft UK Apprenticeships Bill has been identified by the Welsh Assembly Government as potentially a useful opportunity to extend apprenticeships provisions to Welsh learners. As far as timing is concerned,

the provisions of the Draft UK Apprenticeships Bill are due to be included in the Education and Skills Bill to be introduced in the next UK Legislative Session. Using this opportunity will enable Welsh learners to benefit at the earliest opportunity and will not lead to learners in Wales being at a disadvantage in comparison with their counterparts in England.

As our current Legislative Programme is underway, with the Learning and Skills Measure already in Stage 1 Committee, waiting for similar provisions to be included in a future Measure would lead to a delay. Furthermore, the Assembly does not currently have legislative competence to include all the provisions required and therefore a Legislative Competence Order would also be necessary before a Measure could be passed. This would further lengthen delay in effecting the necessary changes to the law. Taking into account the relatively straightforward nature of the provisions, we believe that using the Education and Skills Bill is the most effective means of achieving this objective.

As I said at the Committee meeting, I am more than happy to discuss the opportunities that this Draft UK Apprenticeships Bill provides for Wales following the publication of the Education and Skills Bill.

The Committee also asked for information on the progress of the apprenticeship programme in Wales and how it compares with England. In Wales we have an all-age apprenticeship programme. The programme comprises:

- Foundation Modern Apprenticeships which equip trainees with skills at level 2;
- Modern Apprenticeships which are aimed at level 3 qualifications; and
- Modern Skills Diploma/higher level apprenticeships which are at level 4.

In England, Apprenticeships are available to young people aged 16-25 at level 2 and Advanced Apprenticeships at level 3. There has been some trialling of adult apprenticeships and the English strategy for apprenticeships- *World Class Apprenticeships: Unlocking Talent, Building Skills for All* - has signalled the intent to make more provision available for adult apprenticeships in the future.

World Class Apprenticeships outlines the strategy for taking forward apprenticeships in England whilst in Wales we have set out plans to improve the overall quality and performance on apprenticeship delivery in the *Work Based Learning Improvement Plan* which was published in 2006 and in *Skills that Work for Wales* published in July 2008. *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.

Statistics showing the numbers participating in apprenticeship programmes in England and Wales are shown in annex A, attached. These figures suggest that at July 2007 the proportion of the working-age population on Modern Apprenticeships in Wales was twice the proportion on Advanced Apprenticeships in England.

Currently we have joint arrangements across England, Wales and Northern Ireland for setting the standards for the development of apprenticeship frameworks and the SSCs and sector bodies develop frameworks for use in all nations. Frameworks are essentially the high-level syllabus for an apprenticeship in a particular career. In England, Wales and Northern Ireland these frameworks are approved by an approvals group which is administered by the UK Commission for Employment and Skills. Scotland has a separate system for approving apprenticeship frameworks for use in Scotland.

Although trainees in England, Wales and Northern Ireland are following the same essential apprenticeship framework there are different arrangements in each nation for funding and supporting the delivery of apprenticeships. In Wales apprenticeship training is promoted and is funded via contracts with training providers by the Welsh Assembly Government. In England the Learning and Skills Council is responsible for funding, promoting and administering the apprenticeship programme. Cross border arrangements are in place – the Welsh Assembly Government fund apprentices who live or work in Wales and there is a reciprocal arrangement with the Learning and Skills Council who apply the same policy.

The proposals for apprenticeships in England include the setting up of a National Apprenticeship Service as part of the new Skills Funding Agency which will replace the Learning and Skills Council in 2010. This will include a field force responsible for promoting apprenticeships to employers in England. In Wales a network of HRD advisors is providing advice to employers on the training support available through Welsh Assembly Government programmes which includes the flexible provision available through the Workforce

Development Programme as well as the mainstream apprenticeship programmes. Providers of the Wales apprenticeship programme actively promote the benefits to employers and individuals. The Assembly Government provides supporting literature. Information is also available through Careers Wales and the Careers Advice helpline. A vacancy matching service is being developed in both England and Wales and we are exploring possible linkages between these.

I attach at annex B details of the location of HRD advisors in Wales and the take up of the Workforce Development Programme across the regions in Wales.

Annex C contains details of the take up of apprenticeships by unitary authority in Wales. This shows that the average take up of apprenticeships per working-age head of population in Wales is 1% for Modern Apprenticeships and 1.5% for Foundation Modern Apprenticeships. Taking the programme as a whole there would appear to be higher participation in Torfaen, Blaenau Gwent and Ynys Mon with slightly below average participation in Ceredigion, Flintshire and Monmouth. Information from Careers Wales companies across Wales suggests that the number of 16-18 year olds in the guarantee group awaiting an offer of a placement on work-based learning is very low. However this would not take account of those in preparatory training awaiting an apprenticeship placement. As I mentioned at the Committee we have action in hand to develop better matching services for people seeking apprenticeship places which will include a marketing campaign to encourage employers, particularly SMEs, to take on apprentices and advertise their vacancies through a central service. We are also piloting a 'shared apprenticeship' scheme which encourages the engagement of smaller employers and allows the apprenticeship the rounded work based learning vital to achieving a full qualification.

The committee also asked about the timetable for the relicensing of Sector Skills Councils (SSCs). The relicensing process started in June led by the UK Commission for Employment and Skills and is due to complete by September 2009. A timetable for relicensing has been issued and is attached at annex D. The National Audit Office will be visiting Wales to assess evidence on SSC performance, talking to stakeholders, interviewing and surveying employers and speaking to relevant SSC staff. The Wales Employment and Skills Board will advise Welsh Ministers on SSC performance and relicensing proposals. Ministerial approval in Wales for the decision relating to the first five SSCs is expected to be sought in February 2009.

I hope this is helpful but if you require any further clarification or detail please let me know.



Annex 2 – Written Memorandum

Welsh Assembly Government – The Deputy Minister for Skills

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=119201&ds=3/2009>

Annex 3 – Transcript of proceedings

Committee meeting, 12 March 2009

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=122457&ds=4/2009>

Annex 4 – Analysis of Welsh Clauses in the Bill relating to Apprenticeships

Chapter 1: Apprenticeships: Wales

Part 1 of the Bill makes provision about apprenticeships, including provision about **the issue of apprenticeship certificates**, and for the issue of **apprenticeship frameworks**.

It also obliges schools **in England**, when advising pupils on careers, to consider whether it would be in the best interests of pupils to receive advice relating to apprenticeships.

Clauses 5 to 8 make provision about the issue of apprenticeship certificates in Wales (clauses 1-4 for England). In particular, clause 8 provides that **the certifying authority for apprenticeships in Wales** will be persons designated for that purpose by the Welsh Ministers.

Contents of apprenticeship certificate: England and Wales

Clause 9 sets out the required contents of an apprenticeship certificate whether issued under clauses 1 or 2 (for England), 5 or 6 (for Wales).

Apprenticeship Frameworks: England and Wales

Clauses 10 to 20 cover apprenticeship frameworks which are high level curricula for an apprenticeship in a specified career. The frameworks typically include an integrated programme which contains a competence element; a knowledge element; transferable or key skills; and employment rights and responsibilities. These clauses set out the procedures for the issue of apprenticeship frameworks which will be developed by employers, Standard Setting Bodies and Sector Skills Councils according to the specification of apprenticeship standards in England and Wales. The separate provision for a specification of apprenticeship standards for England in clauses 21-25 and for Wales in clauses 26-29 enables variations between the specification of apprenticeship standards for England and the specification of apprenticeship standards for Wales and the related recognised frameworks.

Clauses 16 to 20 relate to apprenticeship frameworks in Wales. In particular, clause 16 provides Welsh Ministers with the power to designate a person to issue apprenticeship frameworks in Wales, or to issue apprenticeship frameworks relating to a particular sector. The clauses make provision about the issue and publication of apprenticeship frameworks in Wales. Broadly speaking, these provisions mirror those made by clauses 11 to 15 in relation to England.

Clauses 26 to 29 make mirror provisions in respect of **the specification of apprenticeships standards** for Wales. Welsh Ministers are given the power to prepare and consult on a draft specification of standards. Clause 29 lists the contents of specification standards for Wales. Broadly speaking, these provisions mirror those made by clauses 21 to 25 in relation to England.

Apprenticeship Agreements: England and Wales

Clauses 30 to 34 apply to both England and Wales. Clause 30 contains the meaning of “apprenticeship agreement”. The apprenticeship agreement will be a contract entered into between the employer and the apprentice.

Subsection (2) sets out the conditions which must be satisfied by an apprenticeship agreement. The agreement must be in a form to be prescribed by the Secretary of State. *Subsection (3)* gives the Secretary of State the power to specify provisions which must and must not be included in an apprenticeship agreement. *Subsection (4)* enables an apprentice to enter into successive apprenticeship agreements relating to the same framework, even where that framework has ceased to be a recognised framework.

General: England and Wales

Clause 37 requires the Secretary of State to specify **apprenticeship sectors**. The Government intends that these will be based upon the current sectoral coverage of Sector Skills Councils which are employer-led, independent organisations whose goals are to reduce skills gaps and shortages, improve productivity and increase opportunities to boost the skills and productivity of everyone in the sector’s workforce.

Delegated Powers

The Bill contains delegated powers for Welsh Ministers to make subordinate legislation as follows –

Clause 5 (7):-The prescribed manner in which the Welsh certifying authority must issue a certificate relating to an apprenticeship framework to a person who applies to the authority, is the manner prescribed by regulations made by the Welsh Ministers.

Clause 5 (5):-Regulations made by the Welsh Ministers to make provision for alternative Welsh completion conditions to apply in cases where a person works otherwise than under a Welsh apprenticeship agreement.

Clause 6 (1):-The prescribed manner in which a Welsh certifying authority may issue a certificate relating to an apprenticeship framework to a person who applies to the authority, is the manner prescribed by regulations made by the Welsh Ministers.

Clause 7 (2):-Regulations made by the Welsh Ministers may make provision about the supply of copies of apprenticeship certificates issued under section 5 or 6.

Clause 8 (c):-“The Welsh certifying authority”, in relation to an apprenticeship certificate means the Welsh Ministers.

Clause 16 (1):-The Welsh Ministers may designate a person to issue apprenticeship frameworks generally, or to issue apprenticeship frameworks relating to a particular apprenticeship sector.

Clause 20 (1):-The Welsh Ministers may by order provide for an existing vocational specification as if it were an apprenticeship framework that specified requirements for the purpose of the issue of apprenticeship certificates.

Clause 26 (3):-The Welsh Ministers may by order provide that a specification of apprenticeship standards is to have effect, and by modification (clause 27).