Changes to legislation: *The Apprenticeships (Miscellaneous Provisions) Regulations 2017 is up to date with all changes known to be in force on or before 06 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 1310

EMPLOYMENT AND TRAINING, ENGLAND

The Apprenticeships (Miscellaneous Provisions) Regulations 2017

Made - - - - 19th December 2017

Laid before Parliament 21st December 2017

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections A1(2), (3)(c), (4) and (5), A2B(4), A9(1), (5)(d) and (6) and 262(3) of the Apprenticeships, Skills, Children and Learning Act 2009 [F1].

F1 2009 c. 22. Section A1 was moved to a new heading entitled "Introductory" by paragraph 3 of Schedule 4 to the Enterprise Act 2016 (c.12) ("the 2016 Act"). Section A2B(4) was inserted by paragraph 14(4) of Schedule 1 to the Technical and Further Education Act 2017 (c.19). Section A9 was inserted by section 24(1) of the 2016 Act. See section 264(1) for the meanings of "prescribed" and "regulations".

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Apprenticeships (Miscellaneous Provisions) Regulations 2017.

(2) Subject to paragraph (3), these Regulations come into force on 15th January 2018.

(3) Regulation 8 comes into force on 31st March 2018.

(4) These Regulations apply only in relation to England.

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PART 2

APPROVED ENGLISH APPRENTICESHIPS

Interpretation of Part 2

2. In this Part—

"the Act" means the Apprenticeships, Skills, Children and Learning Act 2009;

"employer" means the person by whom the apprentice is employed under an approved English apprenticeship agreement;

"final day" means the final day of the practical period;

"off-the-job training" has the meaning given in regulation 3(3);

"practical period" means the period for which the apprentice is expected to work and receive training under an approved English apprenticeship agreement;

"revised final day" means the final day, as revised by agreement between the apprentice and the employer which takes into account—

(a) all breaks in the practical period (if any); and

(b) any change in the basis on which the apprentice received work and training under the approved English apprenticeship agreement;

Off-the-job training

3.—(1) It is a condition of an approved English apprenticeship for the purposes of section A1(2) of the Act that the apprentice is to receive off-the-job training.

(2) Each approved English apprenticeship agreement must specify the amount of time the apprentice is to receive off-the-job training during the period of the agreement.

(3) For the purposes of paragraphs (1) and (2)—

"off-the-job training" means training which is not on-the-job training and is received by the apprentice, during the apprentice's normal working hours, for the purpose of achieving the approved apprenticeship standard to which the agreement or arrangement relates;

"on-the-job training" means training which is received by the apprentice during the apprentice's normal working hours for the sole purpose of enabling the apprentice to perform the work to which the agreement or arrangement relates.

(4) For the purposes of paragraph (3), "normal working hours" means the period when the apprentice is required or, as the case may be, expected, under the agreement or arrangement, to work or to receive training.

Practical period

4.—(1) Each approved English apprenticeship agreement must specify the practical period.

(2) When agreeing the practical period, the employer must take into account—

(a) the apprentice's knowledge and skills;

(b) whether the work and training is to be undertaken by the apprentice on a full-time or part-time basis; and

(c) the approved standard to which the agreement relates [F2].

F2 See section A1(7) of the Act as amended by paragraph 9 of Schedule 1 to the Technical and Further Education Act 2017 (c.19).

Duration of practical period

5.—(1) Except where paragraph (2) applies, the practical period must not be less than 12 months.

(2) This paragraph applies where all of the following conditions are met—

(a) the apprentice was working for an employer and receiving training, under an approved English apprenticeship agreement ("the old agreement");

(b) the old agreement was terminated before the final day or the revised final day because the apprentice was dismissed by reason of redundancy;

(c) the old agreement was terminated less than 12 months before the final day or the revised final day;

(d) the apprentice starts work, or starts receiving training, under another approved English apprenticeship agreement ("the new agreement");

(e) the new agreement is for the apprentice to perform work and receive training so as to achieve the same approved standard as the approved standard to which the old agreement related.

(3) Where paragraph (2) applies, the new agreement may specify that the final day for that agreement is to be the final day or the revised final day of the old agreement.

Alternative English apprenticeships

6.—(1) For the purposes of section A1(4) of the Act, an alternative English apprenticeship is an arrangement under which a person to whom paragraph (5) **[**F3, (5A)**]** or (6) applies works in order to achieve an approved standard.

(2) Work under paragraph (1) may be—

(a) for an employer;

(b) otherwise than for an employer; or

(c) otherwise than for reward.

(3) The arrangement in paragraph (1) must specify the amount of time the person is to receive off-the-job training during the period of the arrangement.

(4) The arrangement in paragraph (1) terminates on the date specified in the arrangement.

(5) This paragraph applies to a person where—

(a) the person was working for an employer and receiving training, under an approved English apprenticeship agreement;

(b) that agreement was terminated before the final day or the revised final day because the person was dismissed by reason of redundancy; and

(c) that agreement was terminated less than six months before the final day or the revised final day.

[F4(5A) This paragraph applies to a person where—

(a) the person was working for an employer and receiving training, under an approved English apprenticeship agreement which was terminated on or after the day on which the Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020 came into force;

(b) that agreement was terminated before the final day or the revised final day because the person was dismissed by reason of redundancy; and

(c) at the beginning of the day on which that agreement was terminated, at least 75% of the practical period had elapsed.**]**

(6) This paragraph applies to a person who is working and receiving training to achieve an approved standard under an arrangement where the person is holding office—

(a) as a minister or a trainee minister of a religious denomination; or

(b) as a constable of a police force in England.

(7) For the purposes of paragraph (1), the arrangement in paragraph (6) must specify a period of not less than 12 months during which the person is expected to work and receive training under the arrangement.

F3 Word in reg. 6(1) inserted (15.10.2020) by The Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020 (S.I. 2020/1120), regs. 1(2), **3(2)(a)**

F4 Reg. 6(5A) inserted (15.10.2020) by The Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020 (S.I. 2020/1120), regs. 1(2), **3(2)(b)**

PART 3

FEES FOR THE CARRYING OUT OF EVALUATIONS OF APPRENTICESHIP ASSESSMENTS

Fees for the carrying out of evaluations of apprenticeship assessments

7.—(1) The Institute for Apprenticeships may charge fees for things done in connection with the carrying out by it of evaluations of the quality of apprenticeship assessments.

(2) The Institute for Apprenticeships may only charge a fee to a person who carries out an apprenticeship assessment which the Institute for Apprenticeships evaluates.

(3) The fee must not exceed £56 per apprentice who takes an apprenticeship assessment which the Institute for Apprenticeships evaluates.

PART 4

AMENDMENT OF THE PUBLIC SECTOR APPRENTICESHIP TARGETS REGULATIONS 2017

Amendment of the Public Sector Apprenticeship Targets Regulations 2017

8.—(1) The Public Sector Apprenticeship Targets Regulations 2017 [F5] are amended as follows.

(2) In paragraph (2) of regulation 2 (headcount)—

(a) following paragraph (b) omit "or";

(b) following paragraph (c) insert—

"or;

(d) is a member of a police force".